SENATOR
MONTOYA

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92D CONGRESS
1ST SESSION

S.

IN THE SENATE OF THE UNITED STATES

A BILL

To amend the Federal Water Pollution Control Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "National Water Quality Standards Act of 1971".

TITLE I—RESEARCH AND PROGRAMS

Sec. 101. Declaration of policy.
Sec. 102. Comprehensive programs for water-pollution control.
Sec. 103. Interstate cooperation and uniform laws.
Sec. 104. Research, investigations, training, and information.
Sec. 105. Grants for research and development.
Sec. 106. Grants for water pollution control programs.
Sec. 107. Area acid and other mine waste.
Sec. 108. Pollution in Great Lakes.
Sec. 109. Training grants and contracts.
Sec. 110. Application for training grant or contract.
Sec. 111. Award of scholarships.
Sec. 112. Definitions for sections 109–111.
Sec. 113. Alaska village.

DECLARATION OF POLICY

SECTION 1. (a) The Federal Water Pollution Control Act is amended to add a new title I.

(b) Section 1 of the Federal Water Pollution Control Act is redesignated as section 101.

(c) Section 101, as redesignated, is further amended (1) by striking the second and third sentences of subsection (b) and inserting "The Administrator of the Environmental Protection Agency (hereinafter in this Act called 'Administrator') shall administer this Act."; and (2) (A) by inserting "(1)" after the word "to" and before the word "————" in subsection (a); and (B) by striking "and to" after the word "resources" and before the word "establish", in subsection (a).

SEC. 2. Section 2 of the Federal Water Pollution Control Act is repealed.

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL

SEC. 3. (a) Section 3 of the Federal Water Pollution Control Act is redesignated as section 102.

(b) Section 102, as redesignated, is further amended (1) by striking "Secretary" wherever it appears and inserting "Administrator"; and (2) by striking "interstate waters and tributaries thereof" in the first sentence of subsection (a) and inserting "interstate and intrastate waters and ground-

waters"; and (3) by striking subsection (c).

INTERSTATE COOPERATION AND UNIFORM LAWS

SEC. 4. Section 4 of the Federal Water Pollution Control Act is redesignated as section 103.

RESEARCH, INVESTIGATIONS, TRAINING AND INFORMATION

SEC. 5. (a) Section 5 of the Federal Water Pollution Control Act is redesignated as section 104.

(b) Section 104, as redesignated, is further amended—

(1) by striking "Department of the Interior" wherever it appears and inserting "Environmental Protection Agency";

(2) by striking "Secretary" wherever it appears and inserting "Administrator."

(3) by striking subsections (a), (b), and (c) and inserting the following:

SEC. 104. "(a) The Administrator shall establish national research and development programs for the prevention and control of water pollution and as part of such programs shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of water pollution;

"(2) encourage, cooperate with, and render tech-

nical services and provide financial assistance to water pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of such activities;

"(3) conduct investigations and research and make surveys concerning any specific problem of water pollution in cooperation with any water pollution control agency with a view to recommending a solution to such problem, if he is requested to do so by such agency, or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located;

"(4) Establish advisory committees composed of recognized experts in various aspects of water pollution and representatives of the public to assist in the examination and evaluation of research progress and proposals and to avoid duplication of research.

"(5) In cooperation with the States, and their political subdivisions, and other Federal agencies establish, equip, and maintain a water quality surveillance system for the purpose of monitoring the quality of interstate and intrastate waters, ground waters, the contiguous zone, and the oceans, and shall report on such

quality in the report required under subsection (a) of section 514.

"(b) In carrying out the provisions of (a) of this section the Administrator is authorized to—

"(1) collection and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities:

"(2) cooperate with other Federal departments and agencies, with water pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

"(3) make grants to water pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a) (1) of this section.

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of water pollution control agencies and

other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Environmental Protection agency and at public or nonprofit private educational institutions or research organizations;

"(7) Collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities, basic data on chemical, physical, and biological effects of varying water quality and other information pertaining to water pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of water pollution.

"(c) In carrying out the provisions of subsection (a) of this section the Administrator shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known water pollutants. The Administrator is authorized to construct such facilities and staff and equip them as he determines to be necessary to carry out his functions under this Act."

(4) by striking "13" in the second sentence of sub

(4) by striking "13" in the second sentence of sub-

section (j) and inserting "312":

(5) by striking "10(c)" in the first sentence of paragraph (1) of subsection (l) and inserting "302 and 303".

(6) by adding a new subsection (m) as follows and renumber accordingly:

"(m) (1) The Administrator shall, in an effort to prevent degradation of the environment from the disposal of waste oil, conduct a study of (A) the generation of waste oil, including quantities generated, the nature and quality of such oil, present collecting methods and disposal practices, and alternate uses of such oil; (B) the long-term, chronic biological effects of residual waste oil; and (C) the potential market for such waste oils, including the economic and legal factors relating to the purchase of products made from such waste oils, the level of subsidy, if any, needed to encourage the purchase by public and nonprofit agencies of products from such waste oil, and the practicability of Federal procurement, on a priority basis, of products made from such waste oil. In conducting such study, the Administrator shall consult with and seek the cooperation of affected industries.

"(2) The Administrator shall report the preliminary results of such study to the Congress within six months of enactment of the National Water Quality Standards Act of 1971 and shall file the final report within twelve months thereafter."

(6) by striking paragraph (4) of renumbered subsection (n) and inserting the following:

"(A) The Administrator shall conduct research and investigations on devices, systems, incentives, and other methods of reducing the rates of unnecessary water consumption for domestic and other purposes in order to reduce the requirements for, and the costs of, sewage and waste treatment services. Such research and investigations shall be directed so as to develop devices, systems, and methods capable of achieving the maximum reduction of unnecessary water consumption for domestic and other purposes.

"(B) The Administrator shall report the results of such studies and investigations to the Congress within one year of enactment of the National Water Quality Standards Act of 1971, and annually thereafter in the report required under section 514. Such report shall include recommendations for any legislation that may be required to provide for the adoption and use of devices, systems, or other methods of reducing the rates of domestic and other water consumption. Such a report shall include an estimate of the benefits to be derived from adoption and use of such devices, systems, or other methods and also shall reflect estimates of any increase in private, public, or other costs that would be occasioned thereby.

(7) by adding new subsection (o) as follows and renumber accordingly:

"(o) In carrying out the provisions of subsection (a) of this section the Administrator shall, in cooperation with the Secretary of Agriculture, other Federal agencies and the States, carry out a comprehensive study and research program to determine new and improved methods of preventing and abating water pollution from agriculture, including the legal, economic, and other implications of the use of such methods."

(8) by striking renumbered subsection (p) and inserting the following:

"(p) There is authorized to be appropriated (1) not to exceed $65,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, for carrying out the provisions of this section other than subsections (g) and (o) and from such appropriation 10 per centum of the amount appropriated in any fiscal year shall be expended only for the purposes of subsection (f); (2) not to exceed $7,500,000 for the fiscal year ending June 30, 1972, for carrying out the provisions of subsection (g) (1); (3) not to exceed $2,500,000 for the fiscal year ending June 30, 1972, for carrying out the provisions of subsection (g) (2); and (4) not to exceed $10,000,000 for the fiscal year ending June 30, 1972, for carrying out the provisions of subsection (o).

SEC. 6. Section 6 of the Federal Water Pollution Con-

trol Act is redesignated as section 105 and amended to read as follows:

"GRANTS FOR RESEARCH AND DEVELOPMENT

"SEC. 105. (a) The Administrator is authorized to conduct in the Environmental Protection Agency, and to make grants to any State, municipality, or intermunicipal or interstate agency for the purpose of assisting in the development of—

"(1) any project which will demonstrate a new or improved method of controlling the discharge into any waters of untreated or inadequately treated sewage or other wastes from sewers which carry storm water or both storm water and sewage or other wastes; or

"(2) any project which will demonstrate advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes;

and to include in such grants such amounts as are necessary for the purpose of reports, plans, and specifications in connection therewith

"(b) The Administrator is authorized to make grants to any State or interstate agency to demonstrate, in a single river

basin or portion thereof, advanced pollution treatment and environmental enhancement techniques to control pollution from runoff and other nonpoint sources, including in-stream water quality improvement techniques.

"(c) The Administrator shall review and approve or disapprove any research, survey, pilot, or demonstration program related to the preservation or control of water pollution, or waste treatment or disposal which is conducted, supported, or assisted by any Federal agency pursuant to any law or regulation.

"(d) The Administrator is authorized to make grants to persons for research and demonstration projects for prevention of pollution of waters by industry including, but not limited to, treatment of industrial waste.

"(e) The Administrator is authorized to (1) make, in consultation with the Secretary of Agriculture, grants to persons for research and demonstration projects with respect to new and improved methods of preventing and abating water pollution from agriculture, and (2) disseminate, in cooperation with the Secretary of Agriculture, such information obtained under this subsection and subsection (o) of section 104 as will encourage and enable the adoption of such methods in the agricultural industry.

"(f) Federal grants under subsection (a) of this section shall be subject to the following limitations:

"(1) No grant shall be made for any project unless such project shall have been approved by the appropriate State water pollution control agency or agencies and by the Administrator;

"(2) No grant shall be made for any project in the amount exceeding 75 per centum of the estimated reasonable cost thereof as determined by the Administrator; and

"(3) No grant shall be made for any project unless the Administrator determines that such project will serve as a useful demonstration for the purpose set forth in clause (1) or (2) of subsection (a).

"(g) Federal grants under subsection (c) or (d) of this section shall be subject to the following limitations:

"(1) No grant shall be made in excess of $1,000,000;

"(2) No grant shall be made for more than 70 per centum of the cost of the project; and

"(3) No grant shall be made for any project under subsection (c) unless the Administrator determines that such project will serve a useful purpose in the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution of waters by industry, which method shall have industrywide application.

"(h) For the purpose of this section there are authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1972, and for each fiscal year thereafter, and from such appropriations at least 10 per centum of the funds actually appropriated in each fiscal year shall be available only for the purposes of subsection (d).".

GRANTS FOR WATER POLLUTION CONTROL PROGRAMS

SEC. 7. (a) Section 7 of the Federal Water Pollution Control Act is redesignated as section 106.

(d) Section 106, as redesignated, is further amended to read as follows:

"SEC. 106. (a)(1) Beginning in fiscal year 1972 and each year thereafter, the Administrator, subject to the limitations of paragraph (2) of this subsection, is authorized to make grants to State water pollution control agencies and interstate agencies to assist such State and interstate agencies—

"(A) in developing and carrying out plans for the implementation, maintenance, and enforcement of water quality standards under this Act;

"(B) in the training of water pollution control personnel of public agencies; and

"(C) in assisting designated waste management regions under section 209 and other political subdivisions of a State, including intrastate basin agencies, in de-

veloping and carrying out effective water pollution control programs under this Act.

"(2) The Administrator shall make grants to any such State or interstate agency if the Administrator determines such State or interstate agency—

"(A) will make such reports, in such form and containing such information, as the Administrator may from time to time require, but at least annually, to carry out his functions under this Act;

"(B) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for the proper and efficient administration of such State or interstate water pollution control program under this act;

"(C) will employ a professional staff of trained personnel;

"(D) provides a balanced personnel recruitment program, job classification, and competitive salary schedules;

"(E) provides the development and maintenance of planning capability including the capacity to evaluate river basin, regional, and metropolitan water quality plans; and

"(F) sets forth acceptable criteria used by the State in determining priority of projects as provided in section 303(a)(2)(J).

"(3) In the event the State or interstate agency is required by State law to be represented by a State law enforcement officer or agency in judicial proceedings to enforce water pollution control standards and implementation plans, such State or interstate agency shall transfer a portion of any grant under this section which represents the contribution of the law enforcement officer or agency to the water pollution control program of the State or interstate agency. Such transferred portion shall be matched by the State law enforcement officer or agency in the same manner as the State or interstate agency matches the basic grant.

"(4) No grant shall be made for any fiscal year after June 30, 1972, unless the Administrator determines that such grant will be used to supplement, and to the extent practicable, increase the level of State, local, or other non-Federal funds that in the absence of such grant, be made available for the maintenance of such program and will in no event supplant such State, local, or other non-Federal funds and the State is making adequate progress in developing or carrying out an implementation plan.

"(b)(1) From the sums available therefor in the fiscal year ending June 30, 1972, under subsection (d) and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to the several States, in accordance with regulations promulgated by him, on

the basis of population and the number of waste treatment regions designated under section 209 of this Act in such State. The population of the several States shall be determined on the basis of the latest figures furnished by the Department of Commerce.

"(2) From the allotment of each State made under paragraph (1) of this subsection for any fiscal year, the Administrator shall make grants to such State in an amount equal to its Federal share (as determined under this subsection) of the cost of carrying out the State program of pollution control under this Act.

"(3) The basic Federal share for any State for (i) fiscal year 1972 shall be equal to 50 per centum of the total State program costs of fiscal year 1971; (ii) fiscal years 1973 and following shall be a sum equal to its allocable share of the amount appropriated under subsection (d)(1) in such fiscal year.

"(c) The basic Federal share under subsection (b)(3) shall be increased by an amount, not to exceed 5 per centum of such basic share, in order to carry out duties imposed on States as a result of section 209, section 303, and section 304 and any delegated functions under sections 306, 307, and 402.

"(d)(1) There are hereby authorized to be appropriated, to remain available until expended, to carry out the pur-

poses of subsections (a) and (b) of this section $30,000,000 for the fiscal year ending June 30, 1972, and each fiscal year thereafter.

"(2) There are hereby authorized to be appropriated, to remain available until expended, to carry out the purposes of subsection (c) of this section $ [illegible] for the fiscal year ending June 30, 1972, and each fiscal year thereafter.

"(c) From the sums available therefor for the fiscal year ending June 30, 1972, and for each succeeding fiscal year thereafter, the Administrator shall from time to time make allotments to interstate agencies, in accordance with the regulations, to be prescribed by him, on such basis as the Administrator finds reasonable and equitable. He shall from time to time pay to each such agency from its allotment, an amount equal to such portion of the cost of carrying out its program of pollution control under this Act as may be determined in accordance with such regulations. The regulations relating to the portion of the cost of carrying out a plan of an interstate agency which shall be borne by the United States shall be designed to place such agency, so far as practicable, on the basis similar to that of the States."

AREA ACID AND OTHER MINE WATER POLLUTION CONTROL DEMONSTRATIONS

SEC. 8. (a) Section 14 of the Federal Water Pollution Control Act is redesignated as section 107.

(b) Section 107, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator"; and

(c) Redesignated section 107(a) is further amended by changing the period at the conclusion of the last sentence to a comma and by adding the following new language: "including techniques that demonstrate the engineering and economic feasibility and practicality of using sewage sludge materials and other municipal wastes to diminish or prevent water pollution from acid, sedimentation, or other water pollutants and to restore the lands on which such projects are located to usefulness for forestry, agriculture, recreation, or other beneficial uses.".

POLLUTION CONTROL IN GREAT LAKES

SEC. 9. (a) Section 15 of the Federal Water Pollution Control Act is redesignated as section 108.

(b) Section 108, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator".

TRAINING GRANTS AND CONTRACTS

SEC. 10. (a) Section 16 of the Federal Water Pollution Control Act is redesignated as section 109.

(b) Section 109, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator".

APPLICATION FOR TRAINING GRANT OR CONTRACT; ALLOCATION OF GRANTS OR CONTRACTS

SEC. 11. (a) Section 17 of the Federal Water Pollution Control Act is redesignated as section 110.

(b) Section 110, as redesignated, is further amended (1) by striking "Secretary" wherever it appears and inserting "Administrator"; (2) by striking "16" in the first sentence of subsection (1) and inserting "109"; (3) by striking "16" and "18" in paragraph (A) of subsection (1) and inserting "109" and "111" respectively; and (4) by striking "16" in subsection (2) and inserting "109".

AWARD OF SCHOLARSHIPS

SEC. 12. (a) Section 18 of the Federal Water Pollution Control Act is redesignated as section 111.

(b) Section 111, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator".

DEFINITIONS AND AUTHORIZATIONS

SEC. 13. (a) Section 19 of the Federal Water Pollution Control Act is redesignated as section 112.

(b) Section 112, as redesignated, is further amended (1) by striking "Secretary" wherever it appears and inserting "Administrator"; and (2) by striking "16" and "19" in subsections (1) and (2) and inserting "109" and "112" respectively.

ALASKA VILLAGE DEMONSTRATION PROJECTS

SEC. 14. (a) Section 20 of the Federal Water Pollution Control Act is redesignated as section 113.

(b) Section 113, as redesignated, is further amended by striking "Secretary" wherever it appears and inserting "Administrator".

TITLE II—GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Sec. 201. Purpose.
Sec. 202. Federal share.
Sec. 203. Plans, specifications, and estimates.
Sec. 204. Limitations and conditions.
Sec. 205. Allocation.
Sec. 206. Reimbursement.
Sec. 207. Authorization.
Sec. 208. Disbursement.
Sec. 209. Regional waste treatment management.
Sec. 210. Definitions.

SEC. 15. (a) The Federal Water Pollution Control Act is amended to add a new title II.

(b) Section 8 of the Federal Water Pollution Control Act is redesignated as section 201.

(c) Section 201, as redesignated, is further amended to read as follows:

"PURPOSE

"SEC. 201. (a) It is the purpose of this title to provide effective and economical means of waste treatment management to assure attainment and maintenance of water quality standards on a regional basis.

"(b) To achieve this purpose, waste treatment manage-

ment plans shall be developed and implemented and shall provide:

"(1) as a first priority, recycling of pollutants and the reclamation of water;

"(2) as a second priority, confined and contained disposal on land of pollutants so they will not migrate to cause (or will limit to the maximum extent attainable) water, or other environmental pollution; and

"(3) as a third priority, the best available treatment before discharged into receiving waters.

"(c) Waste treatment management shall to the extend possible, and as required by section 209, be on a regional basis and provide control or treatment of:

"(1) all point sources of pollution, within each region, including municipal sewage and storm sewer outfalls; industrial outfalls, including thermal discharges; and sewage from vessels;

"(2) to the extent practicable, nonpoint sources of water pollution including urban and rural runoff, acid mine drainage, construction runoff and salt water intrusion; and

"(3) to the extent practicable, in-place or accumulated pollution sources including bottom loads, sludge banks, and harbor dredgings.

"(d)(1) Beginning in fiscal year 1972, the Adminis-

trator, in accordance with the priorities established under subsection (b) is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works to provide for the treatment of sewage and other wastes of any kind or description to achieve the purposes of this Act.

"(2) Beginning in fiscal year 1974, the Administrator shall not make grants to any State, municipality, or intermunicipal or interstate agency for the construction of treatment works in a region designated under section 209 for implementing priorities other than (1) and (2) of subsection (b) unless the regional planning agency has satisfactorily demonstrated to the Administrator that—

"(A) alternative waste management techniques will achieve a higher level of water quality at a more reasonable cost over the life of the works; or

"(B) soil conditions, ground water quality, land availability or other physical factors require such alternative waste management techniques.

(d) Title II of the Federal Water Pollution Control Act as added by this section is further amended to add nine new sections as follows:

"FEDERAL SHARE

"SEC. 202. The amount of any grant for approved treatment works under this Title shall be 60 per centum of

the estimated reasonable cost (as determined by the Administrator) thereof; except, that the amount of such grant shall be increased to 75 per centum of such estimated reasonable cost if the State agrees to pay, by grant, not less than 15 per centum of the cost of any treatment works constructed in such State.

"PLANS, SPECIFICATIONS, AND ESTIMATES

"SEC. 203. Each State shall submit to the Administrator for his approval, plans, specifications, and estimates for each proposed project included in, or to be included in, an approved implementation plan under section 303. The Administrator shall act upon plans, specifications, and estimates as soon as practicable after the same have been submitted, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution. In taking such action, the Administrator shall be guided by the provisions of section 204 of this title.

"LIMITATIONS AND CONDITIONS

"SEC. 204. (a) Before approving grants for any treatment works under section 202 the Administrator shall determine—

"(1) that such works are included in any applicable comprehensive river basin plan developed under section 304 of this Act;

"(2) that such works are, or will be, in conformity with the State implementation plan approved under section 303 of this Act;

"(3) that such works (A) have been certified by the appropriate State water pollution control agency as entitled to priority over such other works in the State in accordance with State implementation plan, approved, or to be approved, under section 303 of this Act, and (B) have qualified, or will qualify, for a permit under section 402 of this Act;

"(4) that the applicant proposing to construct such works agrees to pay the remaining non-Federal costs of such works and has made adequate provisions satisfactory to the Administrator for assuring proper and efficient operation, including the employment of trained management and operations personnel, and the maintenance of such works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency, after construction thereof; and

"(5) that such works will provide effective treatment of wastes prior to discharge thereof including the use of new or improved treatment systems, processes, and procedures, at the most economic cost, over the estimated reasonable life of the project;

"(6) that the applicant has agreed to, and will accept for treatment, any industrial wastes which conform to effluent standards and pretreatment standards under section 307 and other requirements necessary for water quality management, including requirements to monitor and report on the volume, characters and rate of flow of such industrial wastes;

"(7) that the applicant has received a contractual commitment from each industrial user whose waste load is taken into consideration in the preparation of the plans, specifications, and estimates of a proposed project, and that such industrial user will bear that proportion of the project's costs which are allocable to such wasteload; and

"(8) that the size and capacity of such works relate directly to the needs to be served by such works, including sufficient reserve capacity. The amount of reserve capacity shall be determined by the Administrator on the basis of a comparison of the cost of constructing such reserves as a part of the work to be funded and the anticipated cost of providing expanded capacity at a date when such capacity will be required.

"(b)(1) Notwithstanding any other provision of this title, before approving grants for any treatment works under section 202, the Administrator shall determine that each applicant (i) has adopted or will adopt a system of charges

to assure that by July 1, 1973, each category of recipients of waste treatment services within the applicant's jurisdiction, as determined by the Administrator, will pay the costs of operation, maintenance, expansion, and replacement of any waste treatment services provided by the applicant; (ii) has made provision for the full recovery by such applicant from the industrial users of the project, of that portion of the estimated reasonable cost of construction of such project (as determined by the Administrator) which is allocable to the treatment of such industrial wastes; (iii) has demonstrated to the satisfaction of the Administrator, through the provision of reserve funds, financial commitments, or other means, the ability of the applicant to provide for the operation, maintenance, expansion, and replacement of existing and future treatment works; and (iv) has legal, institutional, managerial, and financial capability to insure adequate construction operation, maintenance, expansion, and replacement of treatment works throughout the applicant's jurisdiction, as determined by the Administrator.

"(2) The Administrator shall, within ninety days after enactment of this Act, promulgate regulations applicable to payment of waste treatment costs by industrial and non-industrial recipients of waste treatment services which shall establish (A) classes of users of such services, including categories of industrial users; (B) criteria against which to

determine the adequacy of charges imposed on classes and categories of users reflecting all factors that influence the cost of waste treatment, including strength, volume, and delivery flow rate characteristics of waste; and (C) model systems and rates of user charges typical of various treatment works serving municipal-industrial communities.

"(3) No new source, the construction of which is commenced after January 1, 1972, shall be allowed to connect to any treatment works assisted by a grant made pursuant to this Act, unless the owner or operator of such new source agrees to repay that portion of the cost of construction of such works attributable to such new source.

"(4) Revenues derived from the recovery of costs from industrial users of sewage treatment services, as determined by the Administrator, to the extent costs are apportionable to the Federal share of eligible project costs provided pursuant to this title, shall be transmitted to the Administrator and deposited by him in the fund established under subsection (c) of this section.

"(c) There is hereby established in the Treasury a fund to carry out the provisions of paragraph (3) of subsection (f) of section 301 and subsection (g) of section 304.

"ALLOCATION

"SEC. 205. (a) All sums in excess of $100,000,000 authorized to be obligated pursuant to section 207 for each

fiscal year shall be allotted by the Administrator, in accordance with regulations promulgated by him, in the ratio that the population of each State bears to the population of all the States.

"(b) (1) Sums allotted to a State under subsection (a) which are not obligated (A) for fiscal year 1972, ~~within~~ 12 months following date of enactment, and (B) for fiscal years 1973 and following, within six months following the date of such allotment, because of a lack of treatment works approved by the State water pollution control agency and certified as entitled to priority, shall be reallotted by the Administrator, in accordance with regulations promulgated by him, with priority in such reallotment to be given to States which pay, by grant, not less than 15 per centum of the costs of such works. Such reallotted sums shall remain available following the end of the fiscal year for which they were authorized for obligation.

"(2) Any sum made available to a State by reallotment under this subsection shall be in addition to any funds otherwise allotted to such State for grants under this title during any fiscal year.

"(c) For the purpose of this section, (1) population shall be determined on the basis of the latest available figures as certified by the Secretary of Commerce, and (2) per capita income for each State and for the United States

shall be determined on the basis of the average of the per capita incomes of the States and of the continental United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce."

"REIMBURSEMENT

"SEC. 206. (a) Any treatment works on which construction was initiated in a State after June 30, 1966, and which was approved by the State water pollution control agency and which the Administrator finds meets the requirements of section 8 of the Federal Water Pollution Control Act prior to the date of enactment of the National Water Quality Standards Act of 1971, but which was constructed without assistance under such section or which received such assistance in an amount less than 50 per centum of the cost of the project or projects, shall be eligible for payments in reimbursement of State or local funds used for such works prior to July 1, 1971. Such funds shall be allocated only for projects which have been approved for construction under this Act or to retire indebtedness incurred to finance the local share of projects previously approved under this Act. The total amount of reimbursement to be received by a State, municipality or intermunicipal or interstate agency under this section shall not exceed the difference between the amount of such assistance, if any, received for such prior project or

projects and 50 per centum of the cost of such project or projects.

"(b) There is authorized to be appropriated $_____ to carry out the provisions of this section.

"AUTHORIZATION

"SEC. 207. To finance the programs and activities under this title, the Administrator is authorized to incur obligations in the form of grant contracts in amounts aggregating (a) in fiscal year 1972 not to exceed $3,000,000,000; (b) in fiscal year 1973 not to exceed $3,000,000,000; (c) in fiscal year 1974 not to exceed $3,000,000,000; (d) in fiscal year 1975 not to exceed $3,000,000,000; and (e) in fiscal year 1976 not to exceed $3,000,000,000. These amounts shall become available for obligation upon the first day of each such fiscal year and shall remain available until obligated. There are authorized to be appropriated for liquidation of obligations incurred under this subsection not to exceed $3,000,000,000 prior to July 1, 1972, which amount may be increased to not to exceed an aggregate of $6,000,000,000 prior to July 1, 1973, not to exceed an aggregate of $9,000,000,000 prior to July 1, 1974, not to exceed an aggregate of $12,000,000,000 prior to July 1, 1975, and not to exceed an aggregate of $15,000,000,000 prior to July 1, 1976. Sums so appropriated shall remain available until expended.

"DISBURSEMENT

"SEC. 208. The Administrator shall make payments under this title through the disbursing facilities of the Department of the Treasury. Funds so paid shall be used exclusively to meet the cost of construction of the treatment works for which the amount was paid.

"SEC. 208. The Administrator shall make payments

"REGIONAL WASTE TREATMENT MANAGEMENT

"SEC. 209. (a)(1) For the purpose of encouraging and facilitating regional waste treatment and water quality management, the Administrator, within one hundred and eighty days after the date of enactment of the National Water Quality Standards Act of 1971 and after consultations with appropriate Federal, State, and local authorities, shall identify and describe those standard metropolitan statistical areas or combinations of such areas which, as a result of urban-industrial concentrations or other factors, have significant water quality control and abatement problems. The Administrator shall immediately notify the Governor of the affected State or States of any identification made under this subsection.

"(2) For the purpose of developing an areawide waste treatment and water quality management plan for any area identified and described by the Administrator as interstate in nature, the Governors of the States involved may, after

consultation with representatives of local governments within such area, designate an agency capable of recommending such an areawide plan, which plan shall, at a minimum, include those factors listed in subsection (b) of this section.

"(3) For the purpose of developing an areawide waste treatment and water quality management plan for any area identified and described by the Administrator as intrastate, or, in the case of an interstate area where no agency required by paragraph (2) of this subsection has been designated, the Governor, within ninety days after notice under paragraph (1), and after consultation with representatives of local governments within such area, shall designate an organization composed primarily of elected officials from the general purpose local governments in such area (or portions of an interstate area) capable of developing such an areawide plan, which plan shall at a minimum include those factors listed in subsection (b) of this section.

"(b)(1) Any agency designated pursuant to subsection (a) (2) or (3) of this section shall, within one year of such designation, develop an areawide waste treatment and water quality management plan applicable to all wastes generated within the area involved.

"(2) Any such plan shall include—

"(A) the identification and location of the waste

treatment facilities needs of the region over a twenty-year period;

"(B) the establishment of construction priorities for projects consistent with the State implementation plan and time schedules for the initiation and completion of all waste treatment facilities;

"(C) the designation of the treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area, including requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works; and

"(D) the establishment of a waste discharge permit system to regulate (i) the discharge from any source of pollutants within such area into any interstate or intrastate waters and (ii) the location and construction of any new facilities within such region which may result in any discharge.

"(c)(1) The Secretary of the Army acting through the Chief of Engineers, in cooperation with the Administrator, is authorized upon request to consult with, and provide assistance to, any agency designated under subsection (a)

of this section in the development of waste management plans under subsection (b) of this section.

"(2) In connection with such consultation and assistance to any such designated agency, the Secretary of the Army is authorized to expend an amount equal to 75 per centum of the costs of developing alternative waste management plans under subsection (b) of this section, but in no event more than $1,000,000 in any such designated region.

"(3) There is authorized to be appropriated to the Secretary of the Army not to exceed $150,000,000 for the Federal share of planning costs under this subsection.

"(d)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a), whenever he deems appropriate but at least ninety days prior to submission by him to the Administrator of any implementation plan under section 303 of this Act, shall designate one or more waste treatment management agencies for each area identified and described in paragraph (1) of subsection (a) and submit a list of such designations to the Administrator.

"(2) The Administrator shall approve any such designation within sixty days after approval by him of any implementation plan under section 303 applicable to such region or regions unless he finds that—

"(A) it is not one of the geographic areas identified by him under subsection (a) of this section, or is not an

area of sufficient size and continuity to insure effective waste treatment management in accordance with such approved plan;

"(B) the designated management agency (or agencies) is not authorized—

"(i) and empowered to manage effectively all waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b);

"(ii) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b);

"(iii) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

"(iv) to raise revenues, including the assessment of waste treatment charges;

"(v) to incur short- and long-term indebtedness;

"(vi) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provision of an approved program under section 304 applicable to such region; and

"(iii) to accept for treatment, any industrial wastes which conform to effluent standards and pretreatment staudards under section 307 and other requirements necessary for water quality management, including requirements to monitor and report on the volume, character, and rate of flow of such industrial wastes.

"(3) The Administrator shall approve any revision of any designated region, at any time, in the same manner as required for the initial designation.

"(e) After July 1, 1974, the Administrator shall not make any grant other than to the designated management agency or agencies or their delegates for the construction of treatment works in any region for which a designation has been approved under this section and unless such works to be assisted are in conformance with a plan developed pursuant to subsection (b).

"(f) After July 1, 1974, no permit shall be issued under section 402 for any discharge in any designated region which is not in conformance with a plan developed pursuant to subsection (b) and has a permit under subsection (b)(4).

"(g)(1) In any case in which the Secretary of the Army (hereafter in this subsection called Secretary), is requested by a Governor of any State to acquire lands or interests in lands required by such State for the prosecution

of any treatment works project under this Act the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including the Act of February 26, 1931; 46 Stat. 1421), if—

"(A) the Secretary has determined either that the State is unable to acquire necessary lands or interest in lands, or is unable to acquire such lands or interests in lands with sufficient promptness; and

"(B) the Governor has agreed with the Secretary to pay, at such time as may be specified by the Secretary, an amount equal to 25 per centum of the costs incurred by the Secretary in acquiring such lands or interests in lands.

"(2) The authority granted by this section shall also apply to lands and interests in lands received as grants of land from the United States and owned or held by railroads or other corporations.

"(3) The costs incurred by the Secretary in acquiring any such lands or interests in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition. All costs incurred by the Secretary in connection with the acquisition of

any such lands or interests in lands shall be paid from the funds for construction of treatment works allocated to the State upon the request of which such lands or interests in lands are acquired, and any sums paid to the Secretary by such State as its share of the costs of acquisition of such lands or interests in lands shall be deposited in the Treasury to the credit of the appropriation for treatment works and shall be credited to the amount allocated to such State as its allocation of funds for construction of treatment works or shall be deducted from other moneys due the State for reimbursement from funds authorized to be appropriated under section 206.

"(A) The Secretary is further authorized and directed by proper deed, executed in the name of the United States, to convey any such lands or interests in lands acquired in any State under the provisions of this section, to the State upon such terms and conditions as to such lands or interests in lands as may be agreed upon by the Secretary and the State to which the conveyance is to be made.

"(h)(1) Whenever lands or interests in lands owned by the United States are required, the Administration may make such arrangements with the agency having jurisdiction over such lands as may be necessary to give the State or other person constructing the projects on such lands title to such lands in accordance with paragraph (b) of this subsection and adequate rights-of-way and access thereto from

adjoining lands, and any such agency is directed to cooperate with the Secretary in this connection.

"(2)(A) If the Administrator determines that any part of the lands or interests in lands owned by the United States is reasonably necessary for treatment works under this Act, the Administrator shall file with the Secretary of the Department supervising the administration of such lands or interests in lands a map showing the portion of such lands or interest in lands, which it is desired to appropriate.

"(B) If within a period of four months after such filing, the Secretary of such Department shall not have certified to the Administrator that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land has been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land may be appropriated and transferred to the State, or its nominee, for such purposes and subject to the conditions so specified.

"(C) If at any time the need for any such lands for such purposes shall no longer exist, notice of the fact shall be given by the State to the Administrator and such lands shall immediately revert to the control of the Secretary of the Department from which they had been appropriated.

"(i) The provisions of subsections (g) and (h) of this

section shall apply only to projects constructed under the provisions of title II of this Act.

"DEFINITIONS

"SEC. 210. As used in this title—

"(a) The term 'construction' includes (1) preliminary planning to determine the economic and engineering feasibility of treatment works, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of treatment works; (2) the erection, building, acquisition, alteration, remodeling, improvement or extension of treatment works; and (3) the inspection and supervision of the construction of treatment works.

"(b) The term 'treatment works' means (1) any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature necessary prior to the discharge thereof into any waters or otherwise, to meet applicable water quality standards or to recycle or reuse water at the most economical cost over the estimated reasonable life of the works, including intercepting sewers, outfall sewers, pumping, power, and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; and any works, including site acquisition of the land that

will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment, as determined by the Administrator.

"(2)(A) Any other method for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial wastes determined by the Administrator in accordance with guidelines published by him pursuant to clause (B) of this paragraph, to be required by an approved plan for the implementation of the national minimum water quality standard, or to comply with an enforcement action under this Act.

"(B) For the purposes of clause (A) of this paragraph, the Administrator shall, within ninety days after enactment of this Act, publish and thereafter revise no less often than annually guidelines for the evaluation of methods, including cost-effective analysis, described in clause (A) of this paragraph.

"(C) The Administrator shall include in the report under section 504 a description of the methods assisted under this paragraph."

TITLE III——STANDARDS AND ENFORCEMENT

Sec. 301. Water quality information.
Sec. 302. Water quality standards.
Sec. 303. Implementation plans.
Sec. 304. Nonpoint source controls, basin plans, and lake reclamation.
Sec. 305. Federal approval and promulgation.
Sec. 306. National uniform standards of performance for new sources.
Sec. 307. Toxic and pretreatment effluent standards.
Sec. 308. Inspections, monitoring and entry.

specify the manner in which water quality will be achieved, and maintained, and water quality enhanced within such State.

"(c) Public participation and participation by the States

in the development, revision, and enforcement of water quality standards and implementation plans at all levels of government shall be provided for, encouraged, and assisted by the Administrator and the States and, to that end, the Administrator shall develop and publish regulations specifying minimum standards for public participation in such processes.

"(d) The Administrator shall, after consultation

"(d) The Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, develop and publish, within ninety days after the effective date of this subsection, criteria of water quality for the purpose of adopting or revising water quality standards. Such criteria shall (1) accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare including, but not limited to, plankton, fish, shellfish, wildlife, plantlife, shorelines, beaches, aesthetics, recreation, and economics which may be expected from the presence of pollutants in any body of water, including ground water, in varying quantities and correlated to the national minimum water quality standard; (2) include information on the effects of the concentration and dispersal of pollutants, or their byproducts, through biological, physical, and chemical processes and on the effects of pollutants on biological community diversity, productivity, and stability, including information on the factors affecting

rates of eutrophication and organic and inorganic sedimentation for varying types of receiving waters; (3) include information on the measurement and classification of water quality; (4) include information regarding factors relating to establishing effluent limitations necessary to achieve the national water quality standard including an identification of pollutants suitable for maximum daily load measurement, and (5) include information necessary to maintain the chemical, physical and biological integrity of all waters, including lakes, streams, rivers, estuaries, and the oceans. Such criteria, and revisions thereof, shall be issued to the States and shall be published in the Federal Register and otherwise shall be made available to the public."

"(d) The Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, develop and publish, within ninety days after the effective date of this subsection, criteria of water quality for the purpose of adopting or revising water quality standards. Such criteria shall accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of nutrient and related pollutants as well as other water pollutants in any body of water, including ground water, in varying quantities and correlated to water use designations. Such criteria, and revisions there-

of, shall be issued to the States and shall be published in the Federal Register and otherwise shall be made available to the public.

"(e) The Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons, issue to the States and appropriate water pollution control agencies from time to time information on available pollution control techniques including information on processes, procedures, and operating methods which result in the reduction of the discharge of pollutants. Such information shall include technical data relating to, and costs of such methods and such data as are available on alternative methods of prevention and control of water pollution. Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(f) (1) The Administrator shall, after consultation with appropriate Federal and State agencies and other interested persons issue to the States and appropriate water pollution control agencies, within six months after the effective date of this paragraph, and from time to time thereafter, information on processes, procedures, and methods, to control water pollution resulting from—

"(A) agriculture activities including runoff from fields, crop, and forest lands;

"(B) mining activities, including strip and acid mine runoff;

"(C) all construction activity, including runoff from the facilities resulting from such construction;

"(D) the disposal of materials in wells or subsurface excavations; and

"(E) salt water intrusion resulting from reductions of fresh water flow from any cause including drought, irrigation, obstruction, and diversion.

Such information, and revisions thereof, shall be published in the Federal Register and otherwise shall be made available to the public.

"(2) The Administrator shall within six months after the effective date of this paragraph, and from time to time thereafter, issue such information on methods, procedures, and processes as may be appropriate to restore and enhance the quality of the Nation's publicly owned fresh water lakes.

"(3)(A) The Administrator shall, within six months from the date of enactment of the National Water Quality Standards Act of 1971 enter into agreements with the Secretary of Agriculture, the Secretary of the Army, and the Secretary of the Interior to provide for the maximum utilization of the appropriate programs authorized under other Federal law to be carried out by such Secretaries for the purpose of achieving and maintaining water quality through

appropriate implementation programs approved under section 304 of this Act.

"(B) The Administrator, pursuant to any agreement under clause (A) of this paragraph, is authorized to transfer to the Secretary of Agriculture, the Secretary of the Army, or the Secretary of the Interior (i) any funds appropriated under clause (C) of this paragraph, or (ii) any funds received by the Administrator pursuant to section 204(b) of this Act to supplement any funds appropriated to carry out appropriate programs authorized to be carried out by such Secretaries.

"(C) There is authorized to be appropriated to carry out the provisions of this paragraph, $———— for the fiscal year ending June 30, 1973, and each fiscal year thereafter.

"WATER QUALITY STANDARDS

"SEC. 301. (a) The objective of this title is the maintenance of the chemical, physical, and biological integrity of all waters, including lakes, streams, rivers, estuaries, and the oceans.

"(b) In order to further that objective:

"(1) there shall be implented for all waters of the Nation a standard of water quality which at a minimum provides for protection of public health and implements current standards not later than July 1, 1976;

"(2) there shall be achieved for all the Nation's waters, unless otherwise provided, a standard of water quality which shall provide for the protection of a balanced population of shellfish, fish, and wildlife, and shall allow recreational activities on the water and, whenever natural physical characteristics permit, in the water, no later than March 28, 1980.

"(c) (1) Any water quality standards and implementation plans applicable to interstate waters adopted by any State and submitted to the Administrator pursuant to the Federal Water Pollution Control Act prior to enactment of the National Water Quality Standards Act of 1971 and approved by the Administrator on or before the date of enactment of such Act shall remain in effect, unless the Administrator determines that such standards under subsection (d) of this section, or plans under section 303, or any portion thereof, are not consistent with the applicable requirements of the Federal Water Pollution Control Act (as amended by the National Water Quality Standards Act of 1971), and will not be implemented in the time required by the National Water Quality Standards Act of 1971. If the Administrator so determines, he shall, within three months after date of enactment of the National Water Quality Standards Act of 1971, notify the State and specify in what respects changes are needed to meet the additional requirements of

the National Water Quality Standards Act of 1971. If such changes are not adopted by the State after public hearings and within three months after such notification, the Administrator shall promulgate such changes pursuant to section 305 of this Act.

"(2) Any water quality standards and implementation plans applicable to interstate waters adopted by any State and submitted to the Administrator pursuant to the Federal Water Pollution Control Act prior to enactment of the National Water Quality Standards Act of 1971, pending before the Administrator on or before the date of enactment of the National Water Quality Standards Act of 1971, may be approved by the Administrator and shall remain in effect, unless the Administrator determines that such standards under subsection (d) of this section, or plans under section 303, or any portion thereof, are not consistent with the applicable requirements of the Federal Water Pollution Control Act (as amended by the National Water Quality Standards Act of 1971) and will not be implemented in the time required by the National Water Quality Standards Act of 1971. If the Administrator so determines, he shall, within three months after date of enactment of the National Water Quality Standards Act of 1971, notify the State and specify in what respects changes are needed to meet the additional requirements of the National Water Quality Standards Act of 1971.

If such changes are not adopted by the State after public hearings and within three months after such notification, the Administrator shall promulgate such changes pursuant to section 305 of this Act.

"(d) Any State which has adopted pursuant to its own law prior to enactment of the National Water Quality Standards Act of 1971, water quality standards or implementation plans applicable to intrastate waters shall submit such standards or plans to the Administrator within thirty days after enactment of the National Water Quality Standards Acts of 1971. Such standards and plans shall remain in effect as if established under this Act unless the Administrator determines that such standards under subsection (d) of this section, or plans under section 303, or any portion thereof, are inconsistent with the applicable requirements of the Federal Water Pollution Control Act (as amended by the National Water Quality Standards Act of 1971). If the Administrator determines that such standards or plans, or any portion thereof, are not consistent with the applicable requirements of the Federal Water Pollution Control Act (as amended by the National Water Quality Standards Act of 1971), he shall, within four months of the date required for submission of such standards, notify the State and specify in what respects changes are needed to meet the additional requirements of the National Water Quality Standards Act of 1971.

If such changes are not adopted by the State after public hearings and within three months after such notification, the Administrator shall promulgate such changes pursuant to section 305 of this Act.

"(e) (1) Any State which has not adopted pursuant to its own law prior to enactment of the National Water Quality Standards Act of 1971, water quality standards applicable to intrastate waters shall within one hundred and eighty days of the date of enactment, and after public hearings adopt and submit such standards to the Administrator.

"(2) If the Administrator determines under subsection (d) of this section that such standards or any portion thereof, are not consistent with the applicable requirements of the Federal Water Pollution Control Act (as amended by the National Water Quality Standards Act of 1971) he shall, within sixty days of the date required for submission of such standards, notify the State and specify in what respects changes are needed to meet the additional requirements of the National Water Quality Standards Act of 1971. If such changes are not adopted by the State after public hearings and within three months after such notification, the Administrator shall promulgate such standards pursuant to section 305.

"IMPLEMENTATION PLANS

"SEC. 303. (a)(1) Each State shall, after reasonable

notice and public hearings, adopt and submit to the Administrator, prior to July 1, 1975, a plan which provides for implementation, maintenance, and enforcement of the national water quality standard for all interstate and intrastate waters in such State except as provided under subsection ( ) of section 302.

"(2) The Administrator shall, within six months after the date required for submission of a plan under paragraph (1), approve or disapprove such plan under paragraph (1), approve or disapprove such plan for each portion thereof. The Administrator shall approve such plan, or any portion thereof, if he determines that it was adopted after reasonable notice and hearing and that—

"(A) it provides for the attainment of such standard as expeditiously as practicable but (subject to subsection ( )) in no case later than March 28, 1980;

"(B) includes effluent limitations, with schedules and timetables which shall provide for compliance with such limitations as expeditiously as practicable, including effluent standards at least as stringent as any applicable prohibition or effluent standard established pursuant to section 307 of this Act;

"(C) includes provision for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze

data (including classification according to eutrophic condition) on the quality of interstate, intrastate, and to the extent practicable ground waters including biological monitoring; and (ii) include to the extent available such data in the implementation plan, which data shall be annually updated;

"(D) includes a procedure, meeting the requirements of subsection (c) of this section, for review (prior to construction) of the location of new sources to which a standard of performance established under section 306 will apply;

"(E) contains adequate provisions for intergovernmental cooperation, including measures necessary to insure that the discharge of pollutants from sources located in any State will not interfere with the attainment or maintenance of water quality standards or implementation plans in any portion of any other State;

"(F) includes (i) requirements for installation of equipment by owners or operators of discharge sources to monitor effluents from such sources; (ii) requirements for periodic reports on the nature and amounts of such effluents which such reports shall be correlated by the State agency with any effluent limitations or standards established pursuant to this Act and shall be available at reasonable times for public inspection; and (iii) author-

ity comparable to that in section 504, and adequate contingency plans to implement such authority;

"(G) provides for revision, after public hearings, of such plans (i) from time to time, or as may be necessary to take account of new information or revisions of criteria published pursuant to section 301; or (ii) whenever the Administrator finds on the basis of information available to him that the plan is not adequate to implement the water quality standards and goals;

"(H) does not provide for the degradation of the present quality of any waters in such State;

"(I) includes controls over the disposition of all residual waste that could affect water quality generated in such State;

"(J) includes an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet applicable water quality standards and goals in such State;

"(K) establishes the total maximum daily load for interstate and intrastate water or portions thereof, with seasonal variations, for those pollutants which the Administrator identifies under section 301(d) as suitable for such calculation; and

"(L) includes controls over the disposal of pollutants

(i) on land; (ii) in wells; or (iii) in subsurface excavations to protect ground and surface water quality.

"(b) The Administrator shall approve any revision of an implementation plan or portion thereof if he determines that such revision meets the requirements of paragraph (2) of subsection (a) and has been adopted by the State after reasonable notice and public hearings.

"(c) The procedure referred to in paragraph (2)(D) of subsection (a) for review, prior to construction, of the location of new sources shall (A) provide for adequate authority to prevent the construction (discharge?) of any new source to which a standard of performance under section 306 will apply or other source at any location which the State determines will prevent the attainment or maintenance of any water quality standard or implementation plan within such State, and (B) require that prior to commencing construction of any such sources, the owner or operator thereof shall submit to such State such information as may be necessary to permit the State to make a determination under clause (A) of this paragraph.

"(d) Copies of any implementation plan approved or promulgated under this section or section 305 and any certifications issued pursuant to section 401, shall be deposited, and be available to the public in an appropriate place (A) in each State; (B) in the appropriate regional office of the

Administrator; and (C) with the Administrator. Such plans, or portions thereof, shall further be available on request for the purpose of reproduction.

"(e)(1) Upon application of a Governor of a State at the time of submission of any plan implementing a national water quality standard, the Administrator may (subject to paragraph (2)) extend the prescribed year period referred to in subsection (a)(2)(A) for not more than —— years for any specified portion of any interstate or intrastate waters in such State, if after review of such plan the Administrator determines that—

"(A) one or more sources discharging into such portion of interstate or intrastate waters are unable to comply with the requirements of such plan which implement such national standard because the necessary technology or other alternatives are not available, or will not be available, soon enough to permit compliance within such prescribed period;

"(B) the State has considered and applied as a part of its plan reasonably available alternative means of attaining such national standard and has justifiably concluded that attainment of such standard within the prescribed period cannot be achieved; and

"(C) the continued operation of such source or

sources is essential to national security or the public health and welfare.

"(2) The Administrator may grant an extension under paragraph (1) only if he determines that the State plan provides for—

"(A) application of the requirements of the plan which implement such national standard to all discharge sources in such State other than the sources described in paragraph (1)(A) within the prescribed period, and

"(B) such interim measures of control of the sources described in paragraph (1)(A) as the Administrator determines to be reasonable under the circumstances.

"NONPOINT SOURCE CONTROLS, BASIN PLANS, AND LAKE RECLAMATION

"SEC. 304. (a)(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator within —— months of the date of publication of information under subsection (f) of section 301, programs to control other than point sources of water pollutants, including, but not limited to those sources identified in section 301(f).

"(2) The Administrator shall within four months after the date required for submission of any programs under paragraph (1) approve (or disapprove) such programs or portions thereof, if he determines that they were adopted after

reasonable notice and public hearings and that such programs—

"(A)(i) establish a process to identify agriculturally related nonpoint sources of pollution including runoff from fields used for manure disposal, the production of crops and forest lands; and (ii) set forth procedures, processes, and methods (including land use requirements) to control to the extent feasible such sources.

"(B)(i) establish a process to identify mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff; and (ii) set forth procedures, processes, and methods (including land use requirements) to control to the extent feasible such sources;

"(C)(i) establish a process to identify construction related sources of water pollution; and (ii) set forth procedures, processes, and methods (including land use requirements) to control to the extent feasible such sources;

"(D) include procedures to control salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, and diversion, to protect water quality; and

"(E)(i) provide for revision, after public hearings,

of such programs from time to time as may be necessary to take account of new information or revisions of information published pursuant to subsection (f) of section 301; or (ii) whenever the Administrator finds on the basis of information available to him that the program, or portion thereof, is not adequate to achieve the water quality standards.

"(b)(1) The Administrator shall approve any revision of a program or portion thereof, under this section if he determines that such revision meets the requirements of paragraph (2) of subsection (a) and has been adopted by the State after reasonable notice and public hearings.

"(c)(1) Each State shall—

"(A) identify and classify according to eutrophic condition all publicly owned fresh water lakes in such State;

"(B) set forth procedures, processes, and methods (including land use requirements), to control sources of pollution into such lakes; and

"(C) establish methods and procedures, in conjunction with appropriate Federal agencies, to restore the quality of such lakes and submit such information to the Administrator.

"(2) The Administrator shall provide financial assist-

ance to States in order to carry out methods and procedures approved by the Administrator under this subsection.

"(3) The amount granted to any State for any fiscal year under this subsection shall not exceed 75 per centum of the funds expended by such State in such year for carrying out such a program. There is authorized to be appropriated $150,000,000 for fiscal year 1972; $200,000,000 for fiscal year 1973; $250,000,000 for fiscal year 1974; and $400,000,000 for fiscal year 1975 for grants to States under this subsection which said sum shall remain available until expended. The Administrator shall provide for an equitable distribution for such grants to the States where they are approved methods and procedures under this subsection.

"(d)(1) Each State, or any planning agency in such State approved by the Governor (or a majority of the Governors when more than one State is involved) shall develop comprehensive plans for the control and abatement of water pollution, achievement of water quality standards, and the enhancement of water quality for each river basin, or portion thereof, in such State and submit such plans to the Administrator.

"(2) For the purpose of this clause the term 'basin' includes, but is not limited to, rivers and their tributaries, streams, coastal waters, sounds, estuaries, bays, lakes and portions thereof, as well as the lands drained thereby;

"(e) With respect to any river basin within the jurisdiction of an agency or instrumentality of the United States constituted pursuant to an Act of Congress, the functions, powers, and duties of a State under this section shall be exercised and discharged by the governing body of such agency as designated by the Governors or by statute of the participating States in such basin and if the Administrator determines that such agency has sufficient authority to implement this Act for such river basin.

"(f) There is authorized to be appropriated $5,000,000 for fiscal year 1972; $10,000,000 for fiscal year 1973; $15,000,000 for fiscal year 1974; and $20,000,000 for fiscal year 1975 for grants to States to develop plans and programs under this section other than subsection (c) which said sum shall remain available until expended. The Administrator shall provide for an equitable distribution for such grants to the States based upon population and the number of designated regions under section 209 in each State.

"(g) The Administrator may make grants from the fund established under subsection (c) of section 204 to any State to carry out a public procedure, process, or method under an approved implementation program under this section: Provided, That such grant shall not exceed 75 per centum of the cost of such procedure, process, or method: And provided further, That no State shall receive in any one fiscal year

more than the sums from such State, transmitted to the fund under subsection (b) of section 204.

"FEDERAL PROMULGATION

"SEC. 305. (a) The Administrator shall, after consideration of any State hearing record, promptly prepare and publish proposed regulations setting forth water quality standards or implementation plans or portions thereof, for a State if—

"(1) the State fails to submit water quality standards or implementation plans within the time prescribed;

"(2) the water quality standard or implementation plan, or any portion thereof, submitted for such State is determined by the Administrator not to be in accordance with the requirements of section 302, or section 303; or

"(3) the State fails, within sixty days after notification by the Administrator, or such longer period as he may prescribe, to revise water quality standards or plans as required pursuant to a provision of its plan referred to in section 303 (a) (2) (G).

If such State held no public hearing on such water quality standards or plans (or revision thereof), the Administrator shall provide opportunity for such hearing within such State on any proposed regulation. The Administrator shall, within six months after the date required for submission of such plans (or revision thereof), promulgate any such regulations un-

less, prior to such promulgation, such State has adopted and submitted a plan (or revision) which the Administrator determines to be in accordance with the requirements of this Act.

"(b) For purposes of this Act, an applicable water quality standard or implementation plan is the standard or implementation plan, or most recent revision thereof, which has been approved by the Administrator under section 302, section 303, or promulgated by the Administrator under subsection (a) of this section.

"(c) The Governor of a State or the State water pollution control agency of such State may from time to time (but shall at least every five years) hold public hearings for the purpose of reviewing applicable water quality standards and implementation plans and, as appropriate, revising and adopting improved standards and plans. The results of such review shall be made available to the Administrator and the public. If pursuantt o any such review the State revises such standards or plans such revised standards or plans shall be submitted to the Administrator. It the Administrator within sixty days after submission determines that such revised standards or plans meet the requirements of this Act, such revised standards shall thereafter be the water quality standards and implementation for the applicable waters of such State. No such revised standards or plans shall be approved

by the Administrator which reduce the quality of the waters to which such standards are applicable below the quality established by the water quality standards in effect prior to such revision.

"NATIONAL UNIFORM STANDARDS OF PERFORMANCE FOR NEW SOURCES

"SEC. 306. (a) For purposes of this section:

"(1) The term 'standard of performance' means a standard for the control of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the latest available control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

"(2) The term 'new source' means any source, the construction or modification of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard of performance under this section which will be applicable to such source.

"(3) The term 'source' means any building, structure, facility, or installation which discharges or may discharge any water pollutant.

"(4) The term 'owner or operator' means any person who owns, leases, operates, controls, or supervises a source.

"(5) The term 'modification' means any physical

change in, or change in the method of operation of, a source which increases the amount of any water pollutant discharges by such source or which results in the discharge of any water pollutant not previously discharged.

"(b) (1) (A) The Administrator shall, within ninety days after the date of enactment of the National Water Quality Standards Act of 1971, publish (and from time to time thereafter shall revise) a list of categories of sources, which such list shall, at the minimum include:

"pulp and paper mills;

"paperboard, builders, paper and board mills;

"meat product and rendering processing;

"dairy product processing;

"grain mills;

"canned and preserved fruits and vegetables processing;

"canned and preserved seafood processing;

"sugar processing;

"textile mills;

"cement manufacturing;

"nuclear fuels processing;

"feedlots;

"electroplating;

"organic chemicals manufacturing;

"inorganic chemicals manufacturing;

"plastic and synthetic materials manufacturing;

"soap and detergent manufacturing;

"fertilizer manufacturing;

"petroleum refining;

"iron and steel manufacturing;

"nonferrous metals manufacturing;

"cotton ginning;

"phosphate manufacturing;

"steam electric powerplants;

"ferroalloy manufacturing;

"leather tanning and finishing;

"glass and asbestos manufacturing;

"rubber processing; and

"timber products processing.

"(B) As soon as practicable, but in no case more than one year, after the inclusion of a category of stationary sources in a list under subparagraph (A), the Administrator shall propose regulations, establishing Federal standards of performance for new sources within such category. The Administrator shall afford interested persons an opportunity for written comment on such proposed regulations. After considering such comments, he shall promulgate, within sixty days after such publications, such standards with such modifications as he deems appropriate. *The Administrator shall promulgate such standards of performance unless on the basis of*

the comments received the Administrator determines that the economic and social costs of implementing such standards bear no reasonable relationship to the social and economic benefits (including water quality objectives) to be obtained. Any such determination shall be accompanied by any necessary modification of such standard. The Administrator shall, from time to time, as technology changes revise such standards following the procedure required by this subsection for promulgation of such standards. Standards of performance or revisions thereof shall become effective upon promulgation.

"(2) The Administrator may distinguish among classes, types, and sizes within categories of new sources for the purpose of establishing such standards.

"(3) The provisions of this section shall apply to any new source owned or operated by the United States.

"(c) (1) Each State may develop and submit to the Administrator a procedure for implementing and enforcing standards of performance for new sources located in such State. If the Administrator finds the State procedure is adequate he shall delegate to such State any authority he has under this Act to implement and enforce such standards (except with respect to new sources owned or operated by the United States).

"(2) Nothing in this subsection shall prohibit the

Administrator from enforcing under section 309, any applicable standard of performance under this section.

"(d) After the effective date of standards of performance promulgated under this section, it shall be unlawful for any owner or operator of any new source subject to the jurisdiction of the United States to operate such source in violation of any standard of performance applicable to such source.

"SEC. 307. (a)(1) For the purpose of establishing a prohibition or effluent standard under this section, the Administrator shall, within ninety days after the date of enactment of the National Water Quality Standards Act of 1971, publish (and shall from time to time thereafter revise) a list which includes each water pollutant or combination of such pollutants, which the Administrator determines to be toxic, which such list, at the minimum, shall contain the following pollutants:

"Cobalt;

"Chromium;

"Lead;

"Mercury;

"Nickel;

"Selenium;

"Bromine;

"Antimony;

"Arsenic;

"Plutonium;

"Beryllium;

"Cadmium;

"Silver;

"Tin;

"Barium;

"Vanadium;

"Orthonitrochlorobenzene; and

"Polychlorinated biphenyls;

"persistent chlorinated hydrocarbons;

"strontium 90.

Within one hundred and eighty days after the date of publication of any list, or revision thereof, under paragraph (1) of this subsection, the Administrator, in accordance with section 553 of title 5 of the United States Code shall publish a proposed prohibition of the discharge of such pollutant or combination of pollutants together with a summary of evidence and a notice of a public hearing within thirty days. As soon as possible after such hearing, but not later than six months after such publication, the Administrator shall promulgate such prohibition, unless, based upon a preponderance of evidence adduced at such hearings, he finds within such period and publishes his findings, that a departure from such pro-

hibition for such pollutant will not be toxic in established quantities of discharge.

"(3) If the Administrator finds that a departure from such prohibition will not be toxic in established quantities he shall immediately promulgate an effluent standard for such pollutant or combination of pollutants based on such established quantity of discharge found not toxic under paragraph (2) of this subsection. Such standard shall be reviewed and, as appropriate, revised at least every three years.

"(4) When proposing or promulgating any prohibition or effluent standard under this section, the Administrator shall designate the category or categories or sources to which the prohibition or effluent standard shall apply.

"(5) Any prohibition or effluent standard established pursuant to this section shall become effective upon promulgation and specify a time for compliance not to exceed one year from such effective date.

"(6) Prior to publishing any regulations pursuant to this section the Administrator shall, to the maximum extent practicable within the time provided, consult with appropriate advisory committees, independent experts, and Federal departments and agencies.

"(b)(1) The Administrator shall, within ninety days after the date of enactment and from time to time thereafter,

publish proposed regulations establishing pretreatment standards for pollutants which he determines are not susceptible to treatment by available conventional treatment methods together with a notice of a public hearing within thirty days. Not later than ninety days after such publication, the Administrator shall promulgate such pretreatment standards. Pretreatment standards under this subsection shall specify a time for compliance not to exceed —— years from the date of promulgation and shall be established to prevent the discharge into interstate or intrastate waters, waters of the contignous zone, or the ocean, either directly or through municipal waste treatment works (as defined in section 209) of any pollutant which interferes with, passes through, or otherwise is incompatible with such works.

"(2) The Administrator shall, from time to time, as control technology, processes, operating methods, or other alternatives change, revise such standards following the procedure established by this subsection for promulgation of such standards.

"(3) When proposing or promulgating any pretreatment standard under this section, the Administrator shall designate the category or categories of sources to which the effluent standard shall apply.

"(c)(1) The discharge by any person of any new pollutant not known to be a part of industrial production efflu-

ents as of June 1971, without submitting to the Administrator an analysis of the effects of such pollutant in accord with guidelines established pursuant to paragraph (3) of this subsection is prohibited.

"(2) The Administrator within one hundred and eighty days following any submission pursuant to paragraph (1) of this subsection shall establish a prohibition for effluent standard for such pollutant.

"(3) The Administrator shall within one hundred and eighty days from date of enactment of this Act promulgate guidelines for the analysis of the effects of pollutants under this subsection which shall include the factors which must be provided in any submission pursuant to paragraph (2) of this subsection and test protocols for measuring the effects of such pollutants.

"INSPECTIONS, MONITORING AND ENTRY

"SEC. 308. (a) For the purpose (i) of developing or assisting in the development of any water quality standards, implementation plans, effluent limitations schedules or timetables for compliance, prohibitions or effluent standards or standards of performance; (ii) of determining whether any person is in violation of any such water quality standard, implementation plan, effluent limitation, prohibition or effluent standard, or standard of performance; or (iii) requirement

established under this section; or (ii) of carrying out sections 402 and 504 of this Act—

"(1) the Administrator shall require the owner or operator of any effluent source to (A) establish and maintain such records, (B) make such reports, (C) install, use, and maintain such monitoring equipment or methods, including where appropriate, biological monitoring methods, (D) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (E) provide such other information as he may reasonably require; and

"(2) the Administrator or his authorized representative, upon presentation of his credentials—

"(A) shall have a right of entry to, upon, or through any premises in which an effluent source is located or in which any records required to be maintained under paragraph (1) of this subsection are located, and

"(B) may at reasonable times have access to and copy any records, inspect any monitoring equipment or method required under paragraph (1), and sample any effluents which the owner or operator of such source is required to sample under paragraph (1).

"(b) (1) Each State shall develop and submit to the Administrator a procedure for carrying out this section in such State. If the Administrator finds the State procedure is adequate, he shall delegate to such State any authority he has to carry out this section (except with respect to sources owned or operated by the United States).

"(2) Nothing in this subsection shall prohibit the Administrator from carrying out in a State, at anytime, the authority granted under this section.

"(c) Any records, reports, or information obtained under this section shall be available to the public as provided in subsection (c) of section 301, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular part thereof (other than effluent data), to which the Administrator has access under this section if made public, would divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information, or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, or authorized representatives of the United States concerned with carrying out this Act or when relevant in any proceeding under this Act.

"FEDERAL ENFORCEMENT

"SEC. 309. (a) (1) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of any requirement of an applicable implementation plan including any effluent limitation, the Administrator shall notify the person in violation of the plan and the State in which the plan applies of such finding. If such violation extends beyond the thirtieth day after the Administrator's notification and the State has not commenced, or is not prosecuting vigorously, appropriate enforcement under an approved implementation plan, the Administrator shall issue an order requiring such person to comply with the requirements of such plan or he shall bring a civil action in accordance with subsection (b).

"(2) Whenever, (A) on the basis of any information available to him, the Administrator finds that any person violated (i) any effluent limitation, schedule, or timetable of compliance under section 303, (ii) section 306, (iii) section 307, or (iv) section 402, or (B) any person violates or fails or refuses to comply with an order issued under this subsection, the Administrator shall notify the person and the State in which the violation occurred or is occurring, of such finding. The notice shall state with reasonable specificity (A) the nature of the violation, and, (B) the civil penalty under subsection (d) of this section for which the person is liable,

and if appropriate, will be liable until compliance has been achieved.

"(3) Whenever, on the basis of information available to him, the Administrator finds that violations of an applicable implementation plan, including effluent limitations, are so widespread that such violations appear to result from a failure of the State in which the plan applies to enforce the plan effectively, he shall so notify the State. If the Administrator finds such failure extends beyond the thirtieth day after such notice, he shall give public notice of such finding. During the period beginning with such public notice and ending when such State satisfies the Administrator that it will enforce such plan (hereafter referred to in this section as 'period of federally assumed enforcement'), the Administrator shall enforce any requirement of such plan with respect to any person—

"(A) by issuing an order to comply with such requirement, or

"(B) by bringing a civil action under subsection (b).

"(4) Whenever, on the basis of any information available to him, the Administrator finds that any person is in violation of section 306 (related to new source performance standards) or 307 (relating to toxic pollutants), or is in violation of any requirement of section 308 (relating to in-

spections, etc.), or is in violation of a prohibition under section 402 or any condition of any permit issued thereunder (relating to unlawful discharges), he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b).

"(5) An order issued under this subsection (other than an order relating to a violation of (A) an effluent limitation approved under section 303; (B) section 306; or (C) section 307) shall not take effect until the person to whom it is issued has had an opportunity to confer with the Administrator or his delegate concerning the alleged violation. A copy of any order issued under this subsection shall be sent to the State water pollution control agency of any State in which the violation occurs. Any order issued under this subsection shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed ten days, which the Administrator determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection (or notice to a violator under paragraph (1)) is issued to a corporation a copy of such order (or notice) shall be issued to appropriate corporate officers.

"(b) The Administrator shall commence a civil action

for appropriate relief, including a permanent or temporary injunction, whenever any person—

"(1) violates or fails or refuses to comply with any order issued under subsection (a) ; or

"(2) violates any requirement of an applicable implementation plan during any period of federally assumed enforcement or more than thirty days after having been notified by the Administrator under subsection (a) (1) of a finding that such person is violating such requirements; or

"(3) violates section 306 or section 307; or

"(4) fails or refuses to comply with any requirement of section 308.

"(5) is in violation of a prohibition under section 402 or any condition of any permit issued thereunder, or

"(6) has violated (i) any effluent limitation, scheduled, or timetable of compliance under section 303, (ii) section 306, (iii) section 307, or (iv) section 402, or

"(7) fails or refuses to pay any penalty assessed by the Administrator under subsection (a).

Any action under this subsection may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of

such action shall be given to the appropriate State water pollution control agency.

"(c)(1) Any person who wilfully or negligently—

"(A) violates any requirement of an applicable implementation plan during any period of federally assumed enforcement or more than thirty days after having been notified by the Administrator under subsection (a)(1) that such person is violating such requirement, or

"(B) violates or fails or refuses to comply with any order issued by the Administrator under subsection (a), or

"(C) violates section 306, or section 307, or section 402, shall be punished by a fine of not more than $25,000 nor in the case of a violation of (i) an applicable effluent limitation under section 303; (ii) section 306; (iii) section 307, or (iv) prohibition under section 402, less than $2,500 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after the first conviction of such person under this paragraph, punishment shall be by a fine of not more than $50,000 per day of violation, or by imprisonment for not more than two years, or by both. One-tenth of any such fine under this subsection shall

be paid to any person giving information that shall lead to conviction.

"(2) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than six months, or by both.

"(3) For purposes of this subsection, person shall mean, where appropriate responsible corporate officers.

"(d)(1) Any person who has received notification pursuant to paragraph (2) of subsection (a) or, violates or fails or refuses to comply with any order issued under paragraph (1) or (3) of subsection (a) shall be liable to a civil penalty in an amount not to exceed $25,000 per day of violation to be determined by the Administrator. One-tenth of any such fine under this subsection shall be paid to any person giving information that shall lead to conviction.

"(2) No such penalty shall be assessed until such person has been given notice and opportunity for a hearing subject to the provisions of section 554 of title 5 of the United States Code. The final determination of the Administrator

shall be made on the record after considering the nature, circumstances, and extent of any such violation.

"(3) Within sixty days of enactment and from time to time thereafter, the Administrator shall publish in the Federal Register a schedule of civil penalties which the Administrator is authorized to apply under that subsection. The schedule shall set forth levels of penalties based on volumes and types of pollutant, and on the circumstances of violation.

"(e) Whenever a municipality is a party to an action under this section, the State where such municipality is located shall be joined as a party to the action and shall assume financial responsibility for any expenses incurred as a result of complying with any judgment against the municipality if the laws of that State limit the capacity of the municipality to raise revenues needed to pay expenses required by such a judgment."

INTERNATIONAL POLLUTION

"SEC. 310. (a) Whenever the Administrator, upon receipt of reports, surveys, or studies from any duly constituted international agency, has reason to believe that pollution of any waters is occurring which endangers the health or welfare of persons in a foreign country, and the Secretary of State requests him to abate such pollution, he shall give formal notification thereof to the State water pollution con-

trol agency of the State or States in which such discharge or discharges originate and to the appropriate interstate water pollution control agency, if any. He shall also promptly call such a hearing, if he believes that such pollution is occurring in sufficient quantity to warrant such action, and if such foreign country has given the United States essentially the same rights with respect to the prevention and control of water pollution occurring in that country as is given that country by this subsection. The Administrator, through the Secretary of State, shall invite the foreign country which may be adversely affected by the pollution to attend and participate in the hearing, and the representative of such country shall, for the purpose of the hearing and any further proceeding resulting from such hearing, have all the rights of a State water pollution control agency. Nothing in this subsection shall be construed to modify, amend, repeal, or otherwise affect the provisions of the 1909 Boundary Waters Treaty between Canada and the United States or the Water Utilization Treaty of 1944 between Mexico and the United States (59 Stat. 1219), relative to the control and abatement of water pollution in waters covered by those treaties.

"(b) The calling of a hearing under this section shall not be construed by the courts, the Administrator, or any person as limiting, modifying, or otherwise affecting the

functions and responsibilities of the Administrator under this section to establish and enforce water quality standards.

"(c) The Administrator shall publish in the Federal Register a notice of a public hearing before a hearing board of five or more persons appointed by the Administrator. A majority of the members of the board and the chairman who shall be designated by the Administrator shall not be officers or employees of Federal, State, or local governments. On the basis of the evidence presented at such hearing, the board shall within sixty days after completion of the hearing make findings of fact as to whether or not such pollution is occurring and shall thereupon by decision, incorporating its findings therein, make such recommendations to abate the pollution as may be appropriate and shall transmit such decision and the record of the hearings to the Administrator. All such decisions shall be public. Upon receipt of such decision, the Administrator shall promptly implement the board's decision in accordance with the provisions of this Act.

"(d) In connection with any hearing called under this subsection, the board is authorized to require any person whose alleged activities result in discharges causing or contributing to water pollution to file with it in such form as it may prescribe, a report based on existing data, furnishing such information as may reasonably be required as to the

character, kind, and quantity of such discharges and the use of facilities or other means to prevent or reduce such discharges by the person filing such a report. Such report shall be made under oath or otherwise, as the board may prescribe, and shall be filed with the board within such reasonable period as it may prescribe, unless additional time is granted by it. Upon a showing satisfactory to the board by the person filing such report that such report or portion thereof (other than effluent data), to which the Administrator has access under this section, if made public would divulge trade secrets or secret processes of such person, the board shall consider such report or portion thereof confidential for the purposes of section 1905 of title 18 of the United States Code. If any person required to file any report under this paragraph shall fail to do so within the time fixed by the board for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $1,000 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States in the district court of the United States where such person has his principal office or in any district in which he does business. The Administrator may upon application therefor remit or mitigate any forfeiture provided for under this paragraph.

"(5) Board members, other than officers or employees of Federal, State, or local governments, shall be, for each day (including traveltime) during which they are performing board business, entitled to receive compensation at a rate fixed by the Administrator but not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, and shall, notwithstanding the limitations of sections 5703 and 5704 of title 5 of the United States Code, be fully reimbursed for travel, subsistence, and related expenses.

"(6) When any such recommendation adopted by the Administrator involves the institution of enforcement proceedings against any person to obtain the abatement of pollution of the waters subject to such recommendation, the Administrator shall institute such proceedings if he believes that the evidence warrants such proceedings. The district court of the United States shall consider and determine de novo all relevant issues, but shall receive in evidence the record of the proceedings before the conference or hearing board. The court shall have jurisdiction to enter such judgment and orders enforcing such judgment as it deems appropriate or to remand such proceedings to the Administrator for such further action as it may direct."

OIL AND HAZARDOUS SUBSTANCE POLLUTION

SEC. 17. (a) Section 11 of the Federal Water Pollution Control Act is redesignated as section 312.

(b) Section 312, as redesignated, is further amended—

(1) by striking paragraph (9) of subsection (a) and renumbering accordingly;

(2) to add the followng new paragraph (2) to subsection (a) and renumbering accordingly:

"(2) hazardous substance "means any substance designated pursuant to subsection (b) (2) of this section";

(3) by inserting after "oil" in paragraph (9) of subsection (a) as renumbered "or hazardous substance";

(4) by inserting after "oil" in paragraph (1) of subsection (b) "or hazardous substances";

(5) by adding the following new paragraph (2) to subsection (b) and renumbering remaining paragraphs accordingly:

"(2) (A) The Administrator shall develop, promulgate, and revise as may be appropriate, regulations (1) designating as hazardous substances, other than oil as defined in this section, such elements and compounds which, when discharged in any quantity into or upon the navigable waters of the United States or adjoining shorelines or the waters

of the contiguous zone, present an imminent and substantial danger to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, shorelines, and beaches.

"(B) The Administrator shall include in any designation under subparagraph (A) of this subsection a determination whether any such designated hazardous substance is subject to removal under this section.

"(C) The owner or operator of any vessel, onshore facility or offshore facility from which there is discharged any hazardous substance designated under subparagraph (A) and determined not subject to removal under subparagraph (B) shall be liable, subject to the defenses to liability provided under subsection (f), as appropriate, (i) for all loss or damage resulting from such discharge, and (ii) to the United States for liquidated damages at a rate of $—— per barrel of such hazardous substance discharged."

(6) by inserting after "oil" and before "into" in paragraph (3), as renumbered, of subsection (b) "or hazardous substances";

(7) by inserting after "discharge" in clause (A) of paragraph (3), as renumbered, of subsection (b) "of oil";

(8) by inserting after "oil" and before "the" in paragraph (4), as renumbered, of subsection (b) "and any hazardous substance";

(9) (A) by inserting after "oil" in paragraph (5), as renumbered, of subsection (b) "or a hazardous substance";

(B) by striking the word "knowingly" in the first sentence of paragraph (5) *and inserting, in lieu thereof the words "willfully or negligently"*; and

(C) by striking the word "$10,000." and inserting "$5,000";

(10) by inserting after "oil" in paragraph (6), as renumbered, of subsection (b) "or a hazardous substance";

(11) (A) by inserting after "oil" and before "is" in paragraph (1) of subsection (c) "or a hazardous substance";

(B) by inserting after "such oil" and before "at" in paragraph (1) of subsection (c) "or substance";

(12) (A) by inserting after "oil" and before "pursuant" in paragraph (2) of subsection (c) "and hazardous substances";

(B) by inserting after "oil" and before "discharges" in paragraph (2) of subsection (c) "and hazardous substance";

(C) by inserting after "oil" and before "and" in paragraph (2) of subsection (c) "and hazardous substances";

(13) (A) by inserting after "adequate oil" and before the words "pollution control" in clause (C) of paragraph (2) of subsection (c) "and hazardous substance";

(B) by inserting after "detailed oil" and before "pollution prevention" in clause (C) of paragraph (2) of subsection (c) "and hazardous substance"; and

(C) by inserting after clause (G) the following clause:

"(H) a system whereby the State or States affected by a discharge of oil or hazardous substance may act where necessary to remove such discharge and such State or States may be reimbursed from the fund established under subsection (k) of this section for the reasonable costs incurred in such removal."

(14) by inserting after "oil" in clause (D) of paragraph (2) of subsection (c) "and hazardous substances";

(15) by inserting after "oil" in clause (F) of paragraph (2) of subsection (c) "and hazardous substances";

(16) (A) by inserting after "of oil" and before "and action" in clause (G) of paragraph (2) of subsection (c) "and hazardous substances";

(B) by inserting after "from oil" and before "dis-

charge shall" in clause (G) of paragraph (2) of subsection (c) "and hazardous substance";

(17) (A) by inserting after "of oil" and before "from a" in subsection (d) "or a hazardous substance";

(B) by inserting after "oil" and before the period at the end of subsection (d) "or hazardous substance."

(18) by inserting after "oil" and before "into" in subsection (e) "or hazardous substance";

(19) (A) by inserting after "which oil" and before "is discharged" in paragraph (1) of subsection (f) "or a hazardous substance";

(B) by inserting after "such oil" and before "by the" in paragraph (1) of subsection (f) "or substance";

(20) (A) by inserting after "which oil" and before "is discharged" in paragraph (2) of subsection (f) "or a hazardous substance";

(B) by inserting after "such oil" and before "by the" in paragraph (2) of subsection (f) "or substance"; and

(C) by inserting after "of oil" and before "in violation" in paragraph (2) of subsection (f) "or a hazardous substance";

(21) by inserting after "which oil" and before "is discharged" in paragraph (3) of subsection (f) "or a hazardous substance";

(22) (A) by inserting after "which oil" and before "is discharged" in subsection (g) "or a hazardous substance";

(B) by inserting after "of oil" and before "was caused" in subsection (g) "or hazardous substance";

(C) by inserting after "such oil" and before "by the" in subsection (g) "or substance";

(D) by inserting after "of oil" and before "in violation" in subsection (g) "or a hazardous substance";

(E) by inserting after "discharge of oil" and before "in violation" in the second last sentence of subsection (g) "or a hazardous substance";

(23) by inserting after "of oil" and before the period at the end of subsection (h) "or hazardous substance";

(24) (A) by inserting after "which oil" and before "is discharged" in paragraph (1) of subsection (i) "or a hazardous substance";

(B) by inserting after "such oil" and before "in accordance" in paragraph (1) of subsection (i) "or substance";

(25) (A) by inserting after "discharged oil" and before ", (B) establishing" in paragraph (1) of subsection (j) "and hazardous substances";

(B) by inserting after "regional oil" and before "re-

moval contingency" in paragraph (1) of subsection (j) "and hazardous substance";

(C) by inserting after "of oil" and before "from vessels" in paragraph (1) of subsection (j) "and hazardous substances";

(D) by inserting after "cargoes of oil" and before "and the" in paragraph (1) of subsection (j) "and hazardous substances";

(E) by inserting after "of oil" and before "and hazardous substances";

(26) by inserting a period after "section" in the first sentence of subsection (k) and by striking "and section 12 of this Act." of such sentence;

(27) by inserting a period after "subsections (c) and (i) of this section." of the second sentence of subsection (l) and to strike "and section 12 of this Act," of such sentence;

(28) (A) by inserting after "any oil" and before "or from" in paragraph (1) of subsection (o) "or hazardous substance";

(B) by inserting after "such oil" and before the period at the end of paragraph (1) of subsection (o) "or hazardous substance.";

(29) by inserting after "of oil" and before "into

any" in paragraph (2) of subsection (o) "or hazardous substance."; and

(30) by inserting paragraph (4) of subsection (p) and inserting the following new paragraph (4), (5), and (6):

"(4) Any owner or operator of a vessel subject to this subsection, who fails to comply with the provisions of this subsection or any regulation issued thereunder, shall be liable to a civil penalty of not more than $10,000 for each such violation to be assessed by the delegate of the President. Such penalty may be remitted or mitigated upon such terms as said delegate in his discretion may deem proper. No penalty shall be assessed until the owner or operator charged shall have been given notice and an opportunity for a hearing on such charge.

"(5) The Secretary of the Treasury shall refuse the clearance required by section 4197 of the Revised Statutes of the United States, as amended (4 U.S.C. 91), to any vessel subject to this subsection, which does not have evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with.

"(6) The Secretary of the department in which the Coast Guard is operating shall (1) deny entry to any port or

place in the United States or the navigable waters of the United States, to, and (2) detain at the port or place in the United States from which it is about to depart for any other port or place in the United States, any vessel subject to this subsection, which upon request, does not produce evidence furnished by the delegate of the President that the financial responsibility provisions of paragraph (1) of this subsection have been complied with."

CONTROL OF HAZARDOUS POLLUTING SUBSTANCES

SEC. 18. Section 12 of the Federal Water Pollution Control Act is repealed.

CONTROL OF SEWAGE FROM VESSELS

SEC. 19. (a) Section 13 of the Federal Water Pollution Control Act is redesignated as section 312.

(b) Section 312, as redesignated, is further amended—

(1) by striking the word "Secretary" wherever it appears and inserting "Administrator".

(2) by striking subsection (f) and inserting a new subsection as follows:

"(f) (1) After the effective date of the initial standards and regulations promulgated under this section, no State or political subdivision thereof shall adopt or enforce any statute or regulation of such State or political subdivision with respect to the design, manufacture, or installation or

use of any marine sanitation device on any vessel subject to the provisions of this section.

"(2) Except as provided in paragraph (3) of this subsection no State or political subdivision thereof shall adopt or enforce at any time any such statute or regulation in connection with any vessel equipped with an operable marine sanitation device certified pursuant to this section.

"(3) If the Administrator determines upon application by a State that the protection and enhancement of the quality of waters specified requires such a prohibition, he shall by regulation completely prohibit the discharge from a vessel of any sewage (whether treated or not) into those waters of such State which are the subject of the application and to which such standards apply."

SEC. 20. (a) Subsection (a) of section 21 of the Federal Water Pollution Act is redesignated as section 313.

(b) Section 313, as redesignated, is further amended to read as follows:

"CONTROL OF POLLUTION FROM FEDERAL FACIDITIES

"SEC. 313. Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government (1) having jurisdiction over any property or facility, or (2) engaged in any activity resulting, or which may result, in the discharge of water pollutants or

otherwise may result in a violation of an applicable implementation plan shall comply with Federal, State, interstate and local requirements respecting control and abatement of water pollution to the same extent that any person is subject to such requirements; including the payment of reasonable service charges. The President may exempt any effluent source of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so; except that no exemption may be granted from section 306 or 307. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of one year, but additional exemptions may be granted for periods of not to exceed one year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting such exemption."

SEC. 21. (a) The Federal Water Pollution Control Act is amended to add a new title IV, "Permits and Licenses."

(b) Subsection (b) of Section 21 of the Federal Water

Pollution Control Act is redesignated as section 401 and renumbered accordingly.

(c) Section 401, as redesignated and renumbered, is further amended to read as follows:

"SEC. 401. (a) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities which may result in any discharge into ~~the navigable~~ *interstate or intrastate* waters ~~of the United States,~~ shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over ~~the navigable~~ *such* waters at the point where the discharge originates or will originate, that ~~there is reasonable assurance, as determined by the State or interstate agency that~~ such activity will be conducted in a manner which will not violate *plans to implement* applicable water quality standards. *Such certification shall include statistically representative-effluent data; monitoring requirements (including procedures to make information available to the public); effluent limitations; schedules and timetables of compliance; in a form and with such content as the Administrator shall by Regulation prescribe; and any other appropriate requirements imposed by such State, interstate agency, or Administrator, as the case may be.* Such State or interstate agency shall estab-

lish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. In any case ~~where such standards have been promulgated by the Secretary pursuant to section 10(c) of this Act, or~~ where a State or interstate agency has no authority to give such a certification, such certification shall be from the Administrator. If the State, interstate agency, or Administrator, as the case may be, fails or refuses to act on a request for certification, within a reasonable period of time (which shall not exceed one year) after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence. No license or permit shall be granted if certification has been denied by the State, interstate agency, or the Administrator, as the case may be.

"(b) Upon receipt of such application and certification the licensing or permitting agency shall immediately notify the Administrator of such application and certification. Whenever such a discharge may affect, as determined by the Administrator, the quality of the waters of any other State, the Administrator within thirty days of the date of notice of application for such Federal license or permit

shall so notify such other State, the licensing or permitting agency, and the applicant. If, within sixty days after receipt of such notification, such other State determines that such discharge will affect the quality of its waters so as to violate its *plan to implement applicable* water quality standards, and within such sixty-day period notifies the Administrator in writing of its objection to the issuance of such license or permit and requests a public hearing on such objection, the Administrator shall hold such a hearing. The Administrator shall, at *the conclusion of* such hearing ~~submit~~ *make* his evaluation and recommendations with respect to any such objection to the licensing or permitting agency *which shall be binding on the licensing or permitting agency.* ~~Such agency, based upon the recommendations of such State, the Secretary, and upon any additional evidence, if any, presented to the agency at the hearing, shall condition such license or permit in such manner as may be necessary to insure compliance with applicable water quality standards. If the imposition of conditions cannot insure such compliance such agency shall not issue such license or permit.~~

"(c) The certification obtained pursuant to ~~paragraph (1)~~ *subsection (a)* of this subsection with respect to the construction of any facility shall fulfill the requirements of this subsection with respect to certification in connection with any other Federal license or permit required for the opera-

tion of such facility unless, after notice to the certifying State, agency, or Administrator, as the case may be, which shall be given by the Federal agency to whom application is made for such operating license or permit, the State, or if appropriate, the interstate agency or the Administrator, notifies such agency within sixty days after receipt of such notice that there is no longer reasonable assurance that there will be compliance with *any plans implementing* applicable water quality standards because of changes since the construction license or permit certification was issued in (1) the construction or operation of the facility, (2) the characteristics of the waters into which such discharge is made, or (3) the water quality standards *or implementation plans* applicable to such waters. This paragraph shall be inapplicable in any case where the applicant for such operating license or permit has failed to provide the certifying State, or if appropriate, the interstate agency or the Administrator, with notice of any proposed changes in the construction or operation of the facility with respect to which a construction license or permit has been granted which changes may result in violation of *any plans implementing* applicable water quality standards.

"(d) Prior to the initial operation of any federally licensed or permitted facility or activity which may result in any discharge into ~~the navigable~~ *interstate or intrastate* waters ~~of the United States~~ and with respect to which a

certification has been obtained pursuant to ~~paragraph (1)~~ *subsection (a)* of this ~~sub~~section, which facility or activity is not subject to a Federal operating license or permit, the licensee or permittee shall provide an opportunity for such certifying State, or if appropriate, the interstate agency or the Administrator to review the manner in which the facility or activity shall be operated or conducted for the purposes of assuring that *plans implementing any* applicable water quality standards will not be violated. Upon notification by the certifying State, or if appropriate, the interstate agency or the Administrator that the operation of any such federally licensed or permitted facility or activity will violate *any plan implementing* applicable water quality standards, such Federal agency may, after public hearing, suspend such license or permit. If such license or permit is suspended, it shall remain suspended until notification is received from the certifying State, agency, or Administrator, as the case may be, that there is reasonable assurance that such facility or activity will not violate *such plan*.

"(e) Any Federal license or permit with respect to which a certification has been obtained under ~~paragraph (1)~~ *subsection (a)* of this ~~subsection~~ *section* may be suspended or revoked by the Federal agency issuing such license or permit upon the issuance of an order under section ~~10(h)~~ 309 of this Act that such facility or activity has been operated

in violation of *any plan implementing* applicable water quality standards.

"(f) ~~No~~ *Except as provided in section 313* Federal agencies shall be deemed to be an applicant for the purposes of this subsection.

"(g) In any case where actual construction of a facility has been lawfully commenced prior to the date of enactment of the Water Quality Improvement Act of 1970, no certification shall be required under this subsection for a license or permit issued after the date of enactment of such Act of 1970 to operate such facility, except that any such license or permit issued without certification shall terminate at the end of the three-year period beginning on the date of enactment of such Act of 1970 unless prior to such termination date the person having such license or permit submits to the Federal agency which issued such license or permit a certification and otherwise meets the requirements of this ~~subsection~~ *section*.

"(h) Except as provided in ~~paragraph (7)~~ *subsection (g)*, any application for a license or permit (1) that is pending on the date of enactment of the Water Quality Improvement Act of 1970 and (2) that is issued within one year following such date of enactment shall ~~not~~ require certification pursuant to this ~~sub~~section for one year following the issuance of such license or permit, except that any such license or per-

mit issued shall terminate at the end of one year unless prior to that time the licensee or permittee submits to the Federal agency that issued such license or permit a certification and otherwise meets the requirements of this ~~subsection~~.

"(i) (1) In the case of any activity which will affect water quality but for which there are no applicable water quality standards, ~~no~~ certification ~~shall be required~~ under this subsection *shall be from the Administrator* ~~except that the licensing or permitting agency shall impose, as a condition of any license or permit, a requirement that the licensee or permittee shall comply with the purposes of this Act.~~

"(2) Upon notice from the State in which the discharge originates or, as appropriate, the interstate agency or the Administrator, that such licensee or permittee has been notified of the adoption of water quality standards *and implementation plans* applicable to such activity and has failed, after reasonable notice, of not less than six months, to comply with *plans implementing* such standards, the license or permit shall be suspended until notification is received from such State or interstate agency or the Administrator that there is reasonable assurance that such activity will comply with applicable water quality standards *or implementation plans*.

~~"(3) Nothing in this section shall be construed to limit the authority of any department or agency pursuant to any other provision of law to require compliance with applicable~~

~~water quality standards. The Secretary shall, upon the request of any Federal department or agency, or State or interstate agency, or applicant, provide, for the purpose of this section, any relevant information on applicable water quality standards, and shall, when requested by any such department or agency or State or interstate agency, or applicant, comment on any methods to comply with such standards.~~

"(j) In order to implement the provisions of this section, the Secretary of the Army, acting through the Chief of Engineers, is authorized, if he deems it to be in the public interest, to permit the use of spoil disposal areas under his jurisdiction by Federal licensees or permittees, and to make an appropriate charge for such use. Moneys received from such licensees or permittees shall be deposited in the Treasury as miscellaneous receipts."

(d) Title VI of the Federal Water Pollution Control Act as added by this Act is further amended to add two new sections 402 and 403 as follows.

"DISCHARGE PERMITS

"*SEC. 402. (a) It shall be unlawful (1) for any person to discharge any pollutants into any interstate or intrastate waters, or the waters of the contiguous zone, or, (2) for any person subject to the jurisdiction of the United States*

by the fact of removing any pollutants therefrom, to discharge any such pollutants into the oceans.

"(b)(1) The Administrator, whenever in the judgment of the Secretary of the Army anchorage and navigation will not be injured thereby, may after public hearings (which may be waived, if a state held such hearings pursuant to section 401(a) or if after notice, there is no interest or controversy), issue a permit for the discharge of any pollutants into interstate or intrastate waters, the waters of the contiguous zone, or by any person subject to the jurisdiction of the United States by fact of removing any pollutants therefrom, the oceans, if he determines—

"(A) in the case of a discharge occurring on or before date of enactment of this Act such discharge will, on a schedule of compliance not to exceed three years, receive the greatest degree of effluent reduction which the Administrator determines to be achievable through the application of the latest available control technology, processes, operating methods, or other alternatives, unless the applicant demonstrates that a lesser degree of effluent reduction is economically justified, but in no case less than a minimum of secondary treatment or its equivalent;

"(B) such discharge is the subject of a certification under section 401;

"(C) such discharge will comply with any applicable standard of performance under section 306; and

"(D) such discharge will comply with any applicable prohibition or effluent standard under section 307.

"(2) The Administrator shall issue a permit subject to the conditions of any certification issued under section 401 unless he finds such certification does not meet the requirements of any Regulations promulgated pursuant to section 401(a) in which such case the Administration shall provide the necessary conditions.

"(3)(A) Before issuing any permit under this section to discharge any pollutant into the territorial sea, the contiguous zone or the ocean, the Administrator shall, in addition to any appropriate determination under paragraph (1) of this subsection, establish and apply guidelines for determining the degradation of such waters, which such guidelines shall include among others;

"(i) the effect of a discharge on human health or welfare, including but not limited to plankton, fish, shellfish, wildlife, shorelines, and beaches;

"(ii) the effect of discharge on marine ecosystems including the transfer, concentration and dispersal of pollutants or their byproducts through biological, physical, and chemical processes; changes in marine ecosystem

diversity, productivity, and stability; and species and community population changes;

"(iii) the effect of discharge on esthetic, recreation, and economic values;

"(iv) the persistence of permanence of the effects of the discharge;

"(v) the effect of discharge of particular volumes and concentrations of pollutants;

"(vi) other possible locations and methods of disposal or recycling of pollutants including land-based alternatives; and

"(vii) the effect on alternate uses of the oceans, such as mineral exploitation and scientific study.

"(B) In any event where insufficient information exists on any proposed discharge to make a reasonable judgment on any of the guidelines established pursuant to clause (A) of this paragraph the Administrator shall not issue a permit.

"(C) The Administrator shall deny, partially or entirely, the issuance of permits for discharge of any pollutant or pollutants where he finds that such pollutant or pollutants are toxic or cannot be discharged in conformity with the guidelines established pursuant to this paragraph.

"(4) Any permit issued under this subsection shall be subject to modification at any time and shall be reviewed and, if appropriate, revised every three years.

"(5) Any permit issued to a municipality for a waste treatment work under this section shall be condition upon a conveyance to the grantor of the right to proceed directly against any users of such works in the event of a violation of the terms of such permit without prejudice to the rights of the municipality; and further provide that a municipality shall not allow any new discharge into such treatment works until such time as the conditions causing the violations have been corrected."

TITLE V—GENERAL PROVISIONS

Sec. 501. Administration.
Sec. 502. Definitions.
Sec. 503. Water Pollution Control Advisory Board.
Sec. 504. Emergency powers.
Sec. 505. Citizen suits.
Sec. 506. Appearance.
Sec. 507. Employee protection.
Sec. 508. Federal procurement.
Sec. 509. General provisions relating to administrative proceedings and judicial review.
Sec. 510. Retention of State authority.
Sec. 511. Other authority not affected.
Sec. 512. Separability.
Sec. 513. Labor standards.
Sec. 514. Reports to Congress.
Sec. 515. Appropriations.
Sec. 516. Short title.

ADMINISTRATION

SEC. 22. (a) The Federal Water Pollution Control Act is amended to add a new title V.

(b) Section 22 of the Federal Water Pollution Control Act is redesignated as section 501.

(c) Section 501, as redesignated, is further amended—

(1) by striking "Secretary" wherever it appears and inserting "Administrator";

(2) by striking "Department of the Interior" wherever it appears and inserting "Environmental Protection Agency"; and

(3) adding a new section (g) at the end thereof as follows:

"(g) Upon the request of a State water pollution control agency, personnel of the Environmental Protection Agency may be detailed to such agency for the purpose of carrying out the provisions of this Act.

(d) Section 23 of the Federal Water Pollution Control Act is redesignated as section 502.

(e) Section 502, as redesignated, is further amended to read as follows:

"DEFINITIONS

"SEC. 502. When used in this Act:

"(a) The term 'State water pollution control agency' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged wth responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency.

"(b) The term 'interstate agency' means an agency of two or more States established by or pursuant to an

agreement or compact approved by the Congress, or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

"(c) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"(d) The term 'municipality' means a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, and an Indian tribe or an authorized Indian tribal organization.

"(e) The term 'person' means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

"(f) The term 'pollutant' means any matter of any kind or description including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial waste, provided it does not mean 'oil' within the description of section 311 or 'sewage from vessels' within the meaning of section 312.

"(g) The term 'interstate waters' means all rivers, lakes,

and other waters that flow across or form a part of State boundaries, including territorial seas and the Great Lakes.

"(h) The term 'intrastate waters' means all navigable waters or portions thereof and tributaries of such waters within such State other than interstate waters.

'(i) The term 'territorial seas' means the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

"(j) The term 'contiguous zone' means the entire zone established or to be established by the United States under article 24 of the Convention on the Territorial Sea and the contiguous zone.

"(k) The term 'ocean' means any portion of the high seas beyond the contiguous zone.

"(l) The term 'applicable water quality standard' means a water use designation and those physical, chemical, and biological characteristics of water quality which, for a given body of interstate or intrastate water are required to attain and maintain the uses established by a water use designation, which have been approved or promulgated by the Administrator pursuant to section 302 or section 305 of this Act.

"(m) The term 'water use designation' means the uses

which are or shall be permitted and protected in interstate and intrastate waters.

"(n) The term 'effluent limitation' means the restriction established by States on quantities, rates, and concentrations of physical, chemical, biological, and other constituents of effluents which are discharged from point sources into interstate or intrastate waters or the territorial sea.

include effluent limitations, schedules and timetables of

tation plan' means an enforceable program for the achievement and maintenance of water quality standards and shall include effluent limitations, schedules and timetables of compliance.

"(p) The term 'schedule and timetable for compliance' means a statement of details including the enforceable sequence of actions or operations leading to compliance with an effluent limitation, prohibition, or effluent standard.

"(p) The term 'discharge' means any addition of any pollutant to interstate or intrastate waters, whether such pollutant enters such waters directly or from runoff or percolation or the direct addition of any pollutant to the contiguous zone or the ocean.

"(q) The term 'toxic pollutant' means those pollutants, or combinations of pollutants, which upon exposure to any organism, or upon assimilation into any organism in concentrations of less than 1500 parts per million in any tissue,

will cause adverse effects, including behaviorial, cancer, genetic mutations, physiological malfunctions including reproduction, and physical deformations on such organisms, including man, and shall include all organisms, including viruses, which cause adverse effects on organisms in receiving waters or on humans;

"(r) the term 'biological monitoring' shall mean the periodic sampling of organisms representative of levels of the food chain to observe (1) the accumulation of pollutants in living tissue and (2) the effects of pollutants on the health of organisms."

WATER POLLUTION CONTROL ADVISORY BOARD

SEC. 23. (a) Section 9 of the Federal Water Pollution Control Act is redesignated as section 503.

(b) Section 503, as redesignated, is further amended (1) by striking "Secretary" wherever it appears and inserting "Administrator"; and (2) inserting the words "Department of the Interior" wherever it appears and inserting "Environmental Protection Agency".

SEC. 24. Title V of the Federal Water Pollution Control Act, as added by section 22 of this Act, is further amended to add seven new sections as follows:

"EMERGENCY POWERS

"SEC. 504. (a) Upon receipt of evidence that a pollution source or combination of sources, including moving

sources, is presenting an imminent or substantial endangerment to the health of persons, the Administrator shall issue orders requiring immediate abatement of any source of water pollution related to such endangerment.

"(b) Upon receipt of evidence that a pollution source or combination of sources, including moving sources, may present a substantial economic injury to persons because of their inability to market shellfish or shellfish products in commerce because of pollution from such sources, the Administrator shall institute a civil action for relief, including a permanent or temporary injunction, restraining order, or any other appropriate order, in the district court of the United States for the district in which the persons owning, leasing, or otherwise controlling such source is located or resides or is doing business.

"CITIZEN SUITS

"SEC. 505. (a) Except as provided in subsection (b), any person may commence a civil action on his own behalf—

"(1) against any person (including (i) the United States, and (ii) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of (A) an effluent standard or limitation under this Act or (B) an order issued by the Admin-

istrator or a State with respect to such a standard or limitation, or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this Act.

The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such an effluent standard or limitation, or such an order, or to order the Administrator to perform such act or duty, as the case may be and to apply any appropriate civil penalties under section 309 of this Act.

"(b) No action may be commenced—

"(1) under subsection (a)(1)—

"(A) prior to forty-five days after the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the State in which the violation occurs, and (iii) to any alleged violator of the standard, limitation, or order, or

"(B) if the Administrator or State has commenced and is diligently prosecuting a civil action in a court of the United States or a State to require compliance with the standard, limitation, or order, but in any such action in a court of the United States any person may intervene as a matter of right.

"(2) under subsection (a) (2) prior to forty-five days after the plaintiff has given notice of such action to the Administrator, except that such action may be brought immediately after such notification in the case of an action under this section respecting a violation of section 306, section 307, or operating without a permit or in violation of a permit under section 402, or an order issued by the Administrator pursuant to section 309. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c) (1) Any action respecting a violation by a discharge source of an effluent standard or limitation or an order respecting such standard or limitation may be brought only in the judicial district in which such source is located.

"(2) In such action under this section, the Administrator, if not a party, may intervene as a matter of right.

"(d) The court, in issuing any final order in any action brought pursuant to this section, shall award costs of litigation (including reasonable attorney and expert witness fees) to citizens or citizen groups in cases in which such citizens or citizen groups successfully maintain an action under subsection (a) of this section. The court may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate. The court may, if a temporary restraining order

or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any effluent standard or limitation or to seek any other relief (including relief against the Administrator or a State agency).

"(f) For purposes of this section, the term 'effluent standard or limitation under this Act' means a schedule or timetable of compliance, or effluent limitation under section 303 or 304; standard of performance under section 306; prohibition or effluent standard under section 307; certification under section 401; or a prohibition or condition of any permit under section 402 which is in effect under this Act (including a requirement applicable by reason of section 313) or under an applicable implementation plan.

"(g) A Governor of a State may commence a civil action (1) under subsection (a) without regard to the limitations of subsection (b) and (2) against the Administrator where there is alleged a failure of the Administrator to enforce a violation of an effluent standard or limitation under this Act, occurring in another State causing an adverse effect on the health or welfare in his state or is caus-

ing a violation of water quality standards or implementation plans in his State.

"(h) Whenever a municipality is a party to a civil suit authorized under this section, the state of that municipality shall be joined as a party to the action and shall assume financial responsibility for any costs incurred as a result of any judgment against the municipality if the laws of that State limit the capacity of the municipality to raise revenues needed to pay costs required by such a judgment.

"APPEARANCE

"SEC. 506. In any action instituted under this Act to which the Administrator is a party, attorneys appointed by the Administrator shall appear and represent him.

"EMPLOYEE PROTECTION

"SEC. 507. (a) No person shall discharge, or in any other way discriminate against, or cause to be discharged or discriminated against any employee or any authorized representative of employees by reason of the fact that such employee or representative of any alleged violator has filed, instituted, or caused to be filed or instituted any proceeding under this Act, or has testified or is about to testify in any proceeding resulting from the administration or enforcement of the provisions of this Act.

"(b) Any employee or a representative of employees who believes that he has been discharged or otherwise dis-

criminated against by any person in violation of paragraph (1) of this subsection may within thirty days after such violation occurs, apply to the Secretary of Labor for a review of such alleged discharge or discrimination. A copy of the application shall be sent to such person who shall be the respondent. Upon receipt of such application, the Secretary of Labor shall cause such investigation to be made as he deems appropriate. Such investigation shall provide an opportunity for a public hearing at the request of any party to enable the parties to present information relating to such violation. The parties shall be given written notice of the time and place of the hearing at least five days prior to the hearing. Any such hearing shall be of record and shall be subject to section 554 of title 5 of the United States Code. Upon receiving the report of such investigation, the Secretary of Labor shall make findings of fact. If he finds that such violation did occur, he shall issue a decision, incorporating an order therein and his findings, requiring the party committing such violation to take such affirmative action to abate the violation as the Secretary of Labor deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his former position with compensation. If he finds that there was no such violation, he shall issue an order denying the application. Such order issued by the Secretary of Labor under this subparagraph shall be subject

to judicial review in the same manner as orders and decisions of the Administrator are subject to judicial review under this Act. Violations by any person of paragraph (1) of this subsection shall be subject to the provisions of subsection (d) of this section.

"(c) Whenever an order is issued under this paragraph to abate such violation, at the request of the applicant, a sum equal to the aggregate amount of all costs and expenses (including the attorney's fees) as determined by the Secretary of Labor to have been reasonably incurred by the applicant for, or in connection with, the institution and prosecution of such proceedings, shall be assessed against the person committing such violation.

"(d) This section shall have no application to any employees who, acting without direction from his employer (or his agent), deliberately violates any water quality standards of section 32, implementation plans of section 303, nonpoint control standards of section 304, national uniform standards of performance for new sources of section 306, toxic and pretreatment effluent standards of section 307, or any other prohibitions or limitations of this Act.

"FEDERAL PROCUREMENT

"SEC. 508. (a) No Federal agency may enter into any contract with any person who is convicted of any offense under section 309 for the procurement of goods, materials,

and services to perform such contract at any facility at which the violation which gave rise to such conviction occurred if such facility is owned, leased, or supervised by such person. The prohibition in the preceding sentence shall continue until the Administrator certifies that the condition giving rise to such a conviction has been corrected.

"(b) The Administrator shall establish procedures to provide all Federal agencies with the notification necessary for the purposes of subsection (a).

"(c) In order to implement the purposes and policy of this Act to protect and enhance the quality of the Nation's water, the President shall, not more than one hundred and eighty days after enactment of the National Water Quality Standards Act of 1971, cause to be issued an order (1) requiring each Federal agency authorized to enter into contracts and each Federal agency which is empowered to extend Federal assistance by way of grant, loan, or contract to effectuate the purpose and policy of this Act in such contracting or assistance activities, and (2) setting forth procedures, sanctions, penalties, and such other provisions, as the President determines necessary to carry out such requirement.

"(d) The President may exempt any contract, loan, or grant from all or part of the provisions of this section where he determines such exemption is necessary in the paramount

interest of the United States and he shall notify the Congress of such exemption.

"(e) The President shall annually report to the Congress on measures taken toward implementing the purpose and intent of this section, including, but not limited to, the progress and problems associated with implementation of this section.

"GENERAL PROVISIONS RELATING TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 509. (a) In connection with any determination, or for purposes of obtaining information, under title III or IV of this Act, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and he may administer oaths. Except for effluent data, upon a showing satisfactory to the Administrator by such owner or operator that such papers, books, documents, or information or particular part thereof, if made public, would divulge trade secrets or secret processes of such owner or operator, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code, except that such paper, book, document, or information may be disclosed to other officers, employees, or authorized repre-

sentatives of the United States concerned with carrying out this Act, or when relevant in any proceeding under this Act. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this subparagraph, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

trator in promulgating any prohibition, effluent standard, or standard of performance may be filed by any interested person only in the United States Court of Appeals for the District of Columbia. A petition for review of the Administrator's action in approving or promulgating any State or interstate water quality standards or implementation plans including any effluent limitation or schedules for compliance therein, may be filed by any interested person only in the United States' court of appeals for the appropriate circuit. Any such petition shall be within thirty days from the date

of such promulgation or approval, or after such date if such petition is based solely on grounds arising after such thirtieth day.

"(2) Action of the Administrator with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in civil or criminal proceedings for enforcement.

"(c) In any judicial proceeding in which review is sought of a determination under this Act required to be made on the record after notice and opportunity for hearing, if any party applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, in such manner and upon such terms and conditions as the court may deem proper. The Administrator may modify his findings as to the facts, or make new findings, by reason of the additional evidence so taken and he shall file such modified or new findings, and his recommendation, if any, for the modification or setting aside of his original determination, with the return of such additional evidence.

"RETENTION OF STATE AUTHORITY

"SEC. 510. Nothing in this Act *or in any other Federal law* shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce (1) any standard or limitation respecting effluents of water pollutants or combinations of such pollutants, or (2) any requirement respecting control or abatement of water pollution; except that if an effluent limitation, effluent standard, or prohibition, or standard of performance is in effect under an applicable implementation plan or under section 306 or section 307 of this Act, such State or political subdivision may not adopt or enforce any effluent limitation, effluent standard, or prohibition, or standard of performance which is less stringent than the effluent limitation, effluent standard, or prohibition, or standard of performance under such plan or section."

SEC. 25. (a) Section 24 of the Federal Water Pollution Control Act is redesignated as section 511.

(b) Section 511, as redesignated, is further amended to read as follows:

"OTHER AUTHORITY NOT AFFECTED

"SEC. 511. This Act shall not be construed as (1) limiting the authority or functions of any officer or agency of the United States under any other law or regulation not inconsistent with this Act; (2) affecting or impairing the authority of the Secretary of Army (i) to maintain navigation

or (ii) under section 10 of the Rivers and Harbors Act of 1899; *except that any certification under section 401 or permit under section 402 shall be conclusive as to the effect on water quality of any discharge resulting from any activity subject to section 10 of the Rivers and Harbors Act.* or, (3) affecting or impairing the provisions of any treaty of the United States."

SEPARABILITY

(c) Section 25 of the Federal Water Pollution Control Act is redesignated as section 512.

LABOR STANDARDS

SEC. 26. Title V of the Federal Water Pollution Control as added by this Act is further amended to add a new section 513 as follows:

"SEC. 513. The Administrator shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on treatment works for which grants are made under this Act or by other contractors or grantees under this Act shall be paid wages at rates not less than those prevailing for the same type of work on construction in the immediate locality, as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C., sec. 276a through 276a–5),

and the Secretary of Labor shall establish effective safety standards for the protection of such laborers and mechanics. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948; 40 U.S.C. 276c)."

SEC. 27. (a) Section 26 of the Federal Water Pollution Control Act is redesignated as section 514.

(b) Section 514, as redesignated, is further amended to read as follows:

"REPORTS TO CONGRESS

"SEC. 514. (a) Within ninety days following the convening of each session of Congress, the Administrator shall submit to the Congress a report in addition to any other report required by this Act, on measures taken toward implementing the purpose and intent of this Act, including, but not limited to, (1) the progress and problems associated with developing comprehensive plans, including river basin plans under section 305; (2) a summary of actions taken and results achieved in the field of water pollution control research, experiments, studies, and related matters by the Administrator and other Federal agencies and by other persons and agencies under Federal grants or contracts; (3) the progress and problems associated with the development of

water quality standards and effluent requirements and recommended control techniques; (4) the status of State water quality standards, including a detailed summary of the progress obtained as compared to that planned under State plans for implementation, maintenance, and enforcement of water quality standards; (5) the identification and status of enforcement actions pending or completed under such Act during the preceding year; (6) the status of State, interstate, and local pollution control programs established pursuant to, and assisted by, this Act; (7) a summary of the results of a survey to be taken by the Administrator annually to determine the efficiency of the operation and maintenance of treatment works constructed with grants under this Act, as compared to the efficiency planned when such grant was made; and (8) all reports and recommendations made by the Water Pollution Control Advisory Board.

"(b) The Administrator, in cooperation with State water pollution control agencies and other water pollution control planning agencies, shall make (1) a detailed estimate of the cost of carrying out the provision of this Act; (2) a comprehensive study of the economic impact on affected units of government of the cost of installation of treatment facilities; and (3) a comprehensive analysis of the national requirements for and the cost of treating municipal, industrial, and other effluent to attain such water quality

standards as established pursuant to this Act or applicable State law. The Administrator shall submit such detailed estimate and such comprehensive study of such cost to the Congress no later than January 10, 1968, such study to be updated each year thereafter."

APPROPRIATIONS

SEC. 28. Title V of the Federal Water Pollution Control Act as added by this Act is further amended to add a new section 515 as follows:

"SEC. 515. There are authorized to be appropriated to carry out this Act, other than sections 105, 106, 207, and 311, $ for the fiscal year ending June 30, 1972, $ for the fiscal year ending June 30, 1973, $ for the fiscal year ending June 30, 1974, and $ for the fiscal year ending June 30, 1975."

SHORT TITLE

SEC. 29. Section 27 of the Federal Water Pollution Control Act is redesignated as section 516.

[COMMITTEE PRINT]

August 2, 1971

92D CONGRESS
1ST SESSION

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A BILL